App. F. IX-4.

1927.
Legc.

File No. 27-17

Previous references.

Serial Nos. 1—11

Later references.

Legis 35-28, 1-2
Secy 61-30 & 1-3

(168)

GENERAL AND REVENUE SECRETARIAT.

Part A for January 1922

SUBJECT

FILE HEADING.

Foods and drugs Regulation

(D.R.A. Subject No 60 of October 1917)

From

No.	Dated	Received

Diary No.	Enclos.	Spare Copies.	Serial No.

2

Sir, I am instructed
that a Bill to provide
against the adulteration
of ghee and other food
stuffs is before the Bengal
Legis. Council may the
Supdt. Govt. Printing Bengal
Calcutta be asked to
send copies of the
Bengal Govt. Gazette
containing the Bill, the
a. & o. and discussion

To Sr VIII for compliance

23/4/18

5) The Gazette has been received

) Sir I write a draft Bill on the lines of the one recently introduced in the Legis. Council at Madras (vide H. St. G. Gazette of 12/3/18 Pt IV P 7)). The Calcutta Gazette containing ~~as~~ a ~~similar~~ Bill to amend the Calcutta Municipal Act and containing therein similar provisions for prevention of adulteration of food stuffs in the Calcutta city is also forwarded

4/4/18

7) The models we have for framing a Bill are the Madras Bill which is not yet considered by the Legislative Council and the ~~Madras~~ Calcutta City Municipal Bill The latter cannot conveniently be adopted as a model as it is intended to be applicable only to a particular area governed by a highly organised Municipal Corporation. The simplest point for order whether a Bill on the basis of the Madras one be framed or whether we may

G. R. S. III-2]

13

General and Revenue Secretariat. | Legis. File No. 270 of 1917-18.

Serial No.

await the passing of the Madras Bill in Council.

Submitted pro-forma.

EB 8/4

Chief Secretary)

8) I think we may wait till the Madras Bill is passed

1st member)

CBJ 15/4/18

EB 15/4

12 The Madras Prevention of Adulteration Bill of 1918, referred to in the file below, has been passed The Recent issue of Fr. St. Gazette containing ~~the Bill~~ "Madras Act No II of 1918" ~~has~~ is published

Submitted for orders.

8/3/19 With reference to para 8 Supra

3.3.19 LB Madras picked up similar

Acts in force elsewhere & noted material differences, if any as to procedure & punishment

only points of difference, of minor importance

1) The System of issuing licence in Calcutta, to dealers in milk, who are to carry on their business in conformity with the conditions, clearly stated therein S. 423 of C.M.A.

2) The Appointment of public Analyst funds, no place in the C.M. Act.

(3) As for punishment, it is more severe in C.M. Act (being doubly enchanced)

4) Statement of object and reason clearly given page 324. Cal. Gaz 26

From The Hon'ble President C.M.C
Municipal Council Bangalore

No. 9 & 11.7.19

Forwards copy of the resolution of the Municipal Council dt 5-7-19 recommending the adoption of legislative measures for the purpose of preventing the adulteration of food stuffs sold to the public & suggested that as there is no provision in the Municipal Regn. to effectively check the adulteration, a special enactment may be introduced to cover this and other cases.

15) There is already a file on the subject and it is before the Under Secretary

Addl 24/7 16) Please place this file before Mr Mahadevaya on his return from leave along with the other file thereon returned.

26.7.19

18) A Draft Bill prepared on the lines of the Madras Prevention of Adulteration Act, 1918, as put up together with a Statement of Objects & Reasons

D. M.
12/18

Chapter
II Members

19) Hon'ble Sanitary Commissioner
consulted in the matter. He opposed
the measure. Views for his
opinion & that has not already been
done

The Secy Commrs

B Dis 3509 23-10-19

writes that the draft bill is unsuitable and suggests slight alterations

Submd for orders

By 23/10/19

While in the letter it is stated that the word 'intimate' should be added after 'notify' in Sec 13(2), the word actually added in the Bill is 'inform', omitting the word 'to

AAG
31/10/19

From

The Senior Surgeon

No C Das 280 Dt 2-2-20

States that the legislation is desirable and suggests that powers to make rules under s. 20(e) may also be reserved in regard to the standard of purity of any other article of food other than milk etc

2) Suhd Replies are still due from the Presidents of the two City Municipalities Forbe with a draft Reminder

6/2/20

3) Mark Memo today

committee for critical examination & that a reply will be sent soon after the receipt of their report.

The Mysore President states that the draft Bill has been referred to the Bye-Laws committee for opinion & a reply will be sent soon after its receipt

Noted for perusal may further communication be awaited

From

The President, City Mul. Cl., Mysore

123 Dy 5-4-20

Fds a copy of the Resolution of the Mul Cl ~~whereby~~ approving of the Bill & urg[ing] early introduction

86) Subd for perusal. The reply from the President, Bangalore Municipality will be awaited & Memorandum has been signed today

8/4 37) Mr has since been rec[eived] & may be put up

Mysore explained this

(86) Subject Replies from all have been received All of them approve of the Bill & consider it necessary to introduce the Bill early

The Survey Commr has suggested the following alterations

In S 13(2) add after "notify" the words "or intimate"

In S 16(2) the word penal to be added before the word evidence

The word notify probably implies that the purchaser has to inform the seller of his intention to revise the

10) The Senior Surgeon suggests that in S 20(e) provision may also be made for the framing of rules fixing the standard of purity of any other article of food to be brought under the Regulation

There is provision for getting samples of articles of food ~~daily~~ analysed by the public analyst by a local authority or the purchaser further in S. 5 sale of food which is not of the nature ~~etc~~ of the article demanded by the purchaser or which is ~~purports~~ to be is punishable, while sale of milk etc which is not of the standard purity is also made punishable for the latter purpose ~~power~~ is taken to fix the ~~purity~~ standard of purity

It is a point for orders

G. R. S. III-2]

General and Revenue Secretariat.

(1915) 16

Legislative File No. 27 of 1917-18

Serial No.

(1) I would like Members here to point out the Secretary to what is meant by adulteration does it mean the same thing as that contained in clause 5 (1)(a) Viz that it does not comply the Standard - If not, how is adulteration to be prohibited or punished

Mehta
13/5.

WDD

(2) The term 'adulterate' means to corrupt, debase or make impure by the admixture of a foreign or baser substance. Articles are adulterated to increase their weight or bulk or to improve or change their appearance or flavor in imitation of an article of higher grade or different kind

The term has been adopted from the Madras Act (III of 1918), and seems to be more comprehensive than clause

G. R. S. III-2]

General and Revenue Secretariat.

Keys File No. 27 of 191 7

17

Serial No.	
	... to the Legislative Council may ... be considered in Council ... the Dewan approves. ...

DEWAN'S OFFICE.
Recd. on JUL 14 1920
Reg. No. 375

(D.O.C. No. 21(a)

Dewan
13/7

13/7/20

13/7

Approved
Keys

C.S. 16.7.20

Circulate

13/7

1894 54 (19

G. R. S. 12]

General and Revenue Secretariat.

Legs. File No. 27 of 1917.

Serial No.	
	Extract from the proceedings of the council to put up to the Asst Secy Prohi Branch for submitting the file to the Hon'ble Member for a D.O.
	Please put up a D.O. to S.N. C.R.J. 14/8 D.M. 14/8
	Submitted D.O. to S.N.
	Please have the D.O. typed. D.M. 16/8
	Typed D.O. Submitted
	Hon'ble Member

Sd. 14/8 16/8

Sd. 16/8 16/8

Sd. 17/8

D.M. 19/8

Sd. 21/8

Submitted to His Highness.

I submit herewith a Final Note by the Third *Member of Council on the subject of* Legislation for the prevention of adulteration of food stuffs,

.....

for His Highness' gracious approval.

Final Note by the Third Member of Council.

Subject:-

Draft Bill for the prevention of adulteration of food-stuffs.

The question of undertaking legislation for the prevention of adulteration of food-stuffs, especially of milk and its products, was first mooted in the Representative Assembly during the Dasara Session of 1917. But no action was taken as it was thought advisable to await the passing of a similar legislative measure which was then before the Legislative Council of Madras. The Madras Bill having since been passed into Law as Act III of 1918, a draft Bill on the model of this Act was then prepared and the opinion of the Senior Surgeon, the Sanitary Commissioner and the Presidents of the Municipal Councils of Bangalore and Mysore was invited. They are all of opinion that the draft Bill is suitable and may be introduced into Mysore

2. The Draft Bill was considered in Council and they are of opinion that the Bill may be approved and placed before the Legislative Council in due course.

3. The resolution of the Council may be graciously approved.

MEMBER OF COUNCIL.

31. All urgent or confidential files returned with His Highness' orders may, in the absence of instructions or indications to the contrary, be ordinarily circulated to the Members of Council for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members.

34. In all other cases, the files will first be circulated to the Members of Council at headquarters and then sent to the Secretariat concerned for the i

Circulated to the Members of Council for perusal ~~before~~ after of His Highness' orders ~~before~~ after issue of orders. (*Vide* Rules 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure .)

C S Balasundaram 28/8/20
Chief Secretary to Govt.

Through the Secretary to Government,

.....Department.

FIRST MEMBER OF COUNCIL (Seen)

SECOND MEMBER OF COUNCIL Seen
Reed
30.8.20

THIRD MEMBER OF COUNCIL.

To Asst. Secy, Protection 31/8
Branch

CBJ
1/9

Music Instr. to the Collr & Residency
D. 1/9

Dreps. to Resy Sahib

86
2/9
Asst
2/9

Issue
Dft.
3/9

To

The F. A. Resident in Mysore

No. Pol. 328 Dt 11-9-20

Forwards a copy of the Prevention of Adulteration Bill with a Statement of objects + reasons, which fully explains the scope of the Bill

~~Submitted for orders~~

~~11~~ 17/9

From

The F. A Resident in Mysore

N° 8373/284/1920.

States that Hon'ble the Resident sees no prima facie objection to the ~~bill~~ bill being placed before the legislative council.

Submitted for orders

Pr 28/9 Asst Secy's order Dt 1-9-20 on a slip attached to the Dragt

Under the orders of the President this Bill may perhaps be published in the Gazette so that the public may have sufficient time

Subd for orders with reference to Rule 32 of the Rules of Business

Apr
28/9

I am afraid it is too late now. The public will have more time for criticism if it is introduced under R. 32 now
So, it may be included in the Agenda & dealt with in the usual course

D.M.
30/9

Sirs,

Leave was granted for the introduction of the Bill at the meeting of the Legislative on the 2.2nd Nov

Draft notice publishing the bill is put up for approval

For orders

Secy
2/11/21
Apr
28/11

Secy
D.M.
4/11

Issued 224 to 227 — 11 — 21
L.C

S.C members – as
asked by 3rd Member
for Bale of Cement
Controlleration of Food
Stuffs

1) III Member
2) Govt Staff
3) Mr Mukherjee
4) Mr M Sircar
5) Lt. Venkataramiah
6) " Abbas Khan
7) " Dewan Bahadur
8) " Mrs. M. C. R. Iyengar

Lt. Col.

Read 1st the ensuing meeting of the Legislative council the Bill has to be read and referred to a Select committee

The members thereof have to be chosen

For orders

8/6
10/3

for consid^n
III Member
Govt Advocate
Dr. Nylnapanaw
Mr. M. Venkatramana Rao
Mr. Ramadandarao
M. Subbaraz
Mr Abbas khan
Mr. C. Ramayadayyan

3rd Member Person Barrister at Law may also be added.

Read 1st time meeting of the Legislature on the 29th March 1921 the Bill was read & referred to the Select committee

A date has now to be fixed for the meeting of the Select committee.

For orders

30/3
30/3

In favour of a convenient date

3rd Member

D. M.
21/3

Monday the 16th may has been proposed for the S. C. meeting in connection with the Municipalities Reform Bill.

The next day viz the 17th May, 21 (8.30 A may perhaps be fixed as the date of the S. C. meeting in regard to the Bill to prevent the adulteration of Foodstuffs.

D. M.
11/4

3rd Member

Members wish—

The meeting of the Select Committee to be held at 8.30 A. M. on Saturday the 23rd inst.

W. 11/4/21

D. M. 11/4

Subd

Dr Muthuraganam has been included in the Select committee to consider the Bill to prevent the adulteration of food stuffs He was to have attended the meeting of the 29th instant but he could not - owing to illness ~~to~~ he has not - therefore yet taken seat in the council.

It is a point for orders if he can be a member of the Select committee

Under S 6 of Regn 2 of 1907 every person nominated as a member of the Council shall ~~see~~ continue to be such for three years & there is nothing in the Regn or Rules to indicate that the membership commences only on the member's taking seat in the Council

Subd for orders Hrs however

Council that a member loses his seat on the Council on a particular day & this is also included in the Proceedings

14/4.

Under R. 43 even a stranger may be invited to attend the S. C. meeting. There seems to be no objn for Dr. Mylavapanam to attend the meeting. If appld, he will be requested as usual to attend the S. C. meeting

D. M. 15/4

3rd Member 2nd. He may be asked to attend

Sd/- 15/4

Please see the above & submit file

D. M.

Draft report of the
S. C. is sent for about before
circulating among the Com members
The printed copy of the Bill con-
taining marginal remarks made by the
3rd Member is also sent up for perusal

D. M.
12/5

3rd Member

Draft as revised approved

20/5

G. R. S. III-2]

General and Revenue Secretariat.

File No. 2501 of 19

(31)

Serial No.

The report has been received
with approval from messrs
H. Venkataramanaya, Ramaswamy
& Puttaswamy-chetty & si
cheque due from messrs Doraiswamy Iyer, Subbaiah & Co
Mysuru
Submitted with a draft
reminder

Issued 592-593 C 9-1-6-24

Submitted with draft & fair of
a reminder as directed

104
25011

G. R. S. III-2

General and Revenue Secretariat.

Legs File No. 27 of 1917.

Serial No.

Letter No dts. C. 74. Dated 8. 7. 21

From

H. B Mylvaganam L.R.C.S

Returns the report of the S. C.

duly approved

Submitted for perusal & sign Reminder to Mr Nadarajah who has not yet replied is submitted

9/7 All the members of the S. C have approved of the report. But Mr Doraswamy has sent a memo ~~to~~ dissenting ~~Submitted~~ If approved, it will also be published

Submitted with a draft- publishing the

SC
15/7/21

G. R. S. III-2.

25 11-20

General and Revenue Secretariat. | File No. of 19

Serial No.

As the meeting of the Legs Ct on the 15th the S C report was accepted & the Bill passed

Subo with a formal note for obtaining the sanction of H M to promulgate the Bill into laws

Please type & put up I don't believe this falls under Cl 18 of the Treaty the sanction of the Govt does not appear to be necessary

17/11/21
18/11

Subo with a typed copy of the D.F.
The Bill does not affect any laws stated in the schedule to the Treaty & as such does not require sanction prior to promulgation / Flags 5 of the

Cas
18.11

19/11/21
5/12/21

Rules.

Legislt. 19—20 Containing
the minimum lapsing down with the
procedure for sending Bills
to Resy is put up stating
inter alia that every Bill not
affecting pre-emption laws has
to be sent to Resy. after
publication in the Gazette.

The present Bill has been
sent to Resy on 11th Sept 1920

SCa
29/11/20
WD 29/11/20

with reference to the
pencil note

Gen Secy

Final Note by the Third Member of Council.

250

Subject:-

Promulgation into law of the Mysore Prevention of Adulteration Bill.

On the 26th August 1920 His Highness was graciously pleased to sanction the introduction of the Mysore Prevention of Adulteration Bill. It was accordingly introduced into the Legislative Council on p27. the 22nd November 1920. On the 29th March 1921 the Bill was read and referred to a Select Committee who recommended only two changes, the chief of which being the omission of the proviso to clause 5 exempting the sale of adulterated food where the fact is brought to the notice of the purchaser. At the meeting of the Legislative Coun- p 33 cil held on the 15th November 1921 the Select Committee's report was presented to, and accepted by, the Council and the Bill was passed as amended by the Select Committee.

2. The gracious sanction of His Highness is now solicited to promulgate the Bill into law.

3rd December 1921
Bangalore.

Member of Council.

Submitted to His Highness.

I submit herewith a Final Note by the Third *Member of Council on the subject of* the promulgation into law of the Mysore Prevention of Adulteration Bill,

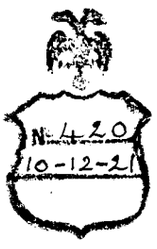
.....

for His Highness' gracious ~~approval~~ sanction.

Dewan.

25011

Record of Cases submitted for the Orders of His Highness the Maharaja



Subject.

Promulgation into law of the Mysore Prevention of Adulteration Bill.

Order.

~~KRM~~

24/12/21.

Entwurf einer Verordnung über die Einführung des Reichsgesetzes

Ei
22/12/21
MD
29/12/21

Ausfertigung

Berlin, den 29. Dezember 1921.

An den Herrn Reichsminister der Finanzen

Ich beehre mich, anliegend den Entwurf einer Verordnung über die Einführung des Reichsgesetzes über die Errichtung von Finanzgerichten mit dem Ersuchen um Mitzeichnung ergebenst zu übersenden.

Der Reichsminister des Innern
In Vertretung
(gez.) Dr. Schulz

An den Herrn Reichsminister der Finanzen
Berlin W 8

Mitzeichnung

Berlin, den 3. Januar 1922.

Der Reichsminister der Finanzen
In Vertretung
(gez.) Dr. Popitz

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

D No 2881

Letter No. 6.23 of 19-20
dt 8/9th August 1919 from the D. G. of Police forwarding report regarding the suffering of Malavelli townsfolk & of the surrounding villages from cholerie symptoms, that the Police rendered necessary aid to them with the Medical authorities & that they are all improving. This effect is said to have been caused by the admixture of Hiccha Hanuka in the rage meal eaten by the patients.

Submd for perusal. May perhaps be referred to the Sanitary Section

19/8

Dy. Sec. 21/8

(Sanitary Sect.)

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Draft put up for approval

Yrs 288
19/4/19

Done
9/4

Issued 6(a) 8 & 19.

From The Secy Govt.
Nos dis dt 17-9-19.

Forwarding Copy
letter addressed to the Chairmen
of DL Boards re the Sale
of preventing the Sale of
adulterated Grain in Shandies

Ltr'd for Perusal
Yrs 288
19/9/19

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Please look up the note
on the subject, & an
Govrs J P C
Dec.
1910

Govrs J. P. C Vol. I is
put up S. 272 relates
to offences of the kind
contemplated
S. 142 of the Municipal
Regn VII of 1916 provides
for the seizure of unwh
articles of food & prov
before a magis for o
disposal if the article
is not perishable
S 38 (d) of the Loca
Boards Regn provides

and wholesomeness of
the articles sold therein

Suspect

(2) likely to [illegible]

affect the health [illegible]

consumers

[illegible]

wide discretion [illegible]

Suspect

officers does not [illegible]

to be very desirable

wish: Sanit officers [illegible]

to be the [illegible]

[illegible] discre

under the authority of the [illegible]

Sanit officers in [illegible]

for sale" is also [illegible]

Routine Notes.

sed only for notes, requisitions, etc., not intended for permanent record.]

The Sanly Comr may be asked to modify his circular so far as seizing the suspected grain is concerned.

If grain is suspected the Sanl officer whether Sanl offr. or Sanl Inspector may take some known quantity of the grain & proceed to examine it and if it is found bad the man who had it for sale may be prosecuted

No doubt if a heap is suspected a sample is taken for examination & in case bad sold. orders

Revd 11/11

Secd Member

8323

1919.20 -

From

The Secy. Commissioner in Mysore

To

The Chief Secy. to Govt

Dated

Despatched 16 Septr 1919

Received Ch Sects 18 SEP 1919

General No. B No. 21

No.

Enclosure No. 1

In connection for information copy of circular letter to Presidents of District Boards on the subject of procuring the sale of adulterated grain in shandies.

PROTD. 19 SEP 1919

Secy
Ls. S. Cy
8-45

Secy
10/9

Department of Public Health in Mysore

OFFICE OF THE SANITARY COMMISSIONER
WITH THE GOVT. OF MYSORE.

Bangalore, dated the 17th September 1919.

No. B. No 21
Enc. On

5259

From

A. K. PANI, Esq., D.P.H., etc.
Offg. Sanitary Commissioner with the Government of
H. H. the Maharaja of Mysore, BANGALORE.

To

C. S. Balasundaram Iyer, Esq., B.A.,
Chief Secretary to Government,
Bangalore.

Sir,

With reference to your letter No.G.6010 Sany. dated 8th Instant, I have the honour to submit, for the informa- n of Government, copy of the Circular letter addressed to sidents of District Boards on the subject of preventing the e of adulterated grain in Shandys.

I have the honour to be,
Sir,
Your most obedient servant

A.K. Pani

Offg. ~~Sanitary~~ Commissioner

Office of the Sanitary Commissioner
with the Government of Mysore,
Bangalore dated the September 1919.

No.C.

From

A.K.Pani,Esq.,D.P.H.,
Offg.Sanitary

To

The President,
District Board,
~~District.~~

Sir,

In enclosing copy of letter No.C.23 dated the 8/9th August 1919 from the Inspector General of Police in Mysore to the - - Chief Secretary to Government, I have the honour to request that instructions may kindly be issued to all Sanitary Inspectors and other local authorities concerned in your District to carefully watch ragi and other food grain offered for sale in Shandys and in case there appears sufficient reason to suspect adulteration likely to prejudicially affect the health of the consumers, to seize and stop the sale of such grain and to report the fact to you for orders. At the same time a small sample of the suspected grain should be sent to the Public Health Institute where it will be examined and the results reported to you.

I have the honour to be,
Sir,
Your most obedient servant
(Sd) A.K.Pani.,
Offg.Sanitary Commissioner.

"C O P Y"

A.K.Pani
Offg.Sanitary Commissioner.

Section Army

File No.

Serial No.

No. 6610 dte

To

The Sanitary Commr in myn

Sir,

I am directed to forward herewith for favour of necessary action ~~report~~ a copy of letter no C 23 of 19-20 d 8th/9th Augt 1919 from the Dy. of Police forwarding a report on the suffering of the people of Malvalli & its surrounding villages from cholera symptoms due to food rafi said at Malvalli

Shanbag on the 25-7-19. I have the

over.

Office of the
Inspector General of Police in Mysore,

C 23 of 19-20

Bangalore, Dated 8th August 1919

DIARY No. 2881

From

A. Subrahmanya Iyer, Esq., B.A.,
Offg. Inspector-General of Police in Mysore.

To

C.S.Balasundaram Iyer, Esq., B.A.,
Chief Secretary to the Government of
His Highness the Maharaja of Mysore.

S i r,

I have the honor to state that the Superintendent of Police, French Rocks, reports that he received a report from the Police Inspector of the Malavally Taluk, to the effect that 236 persons of Malavalli town and its surrounding villages suffered from choleric symptoms, that the Police immediately visited these places with the medical authorities, and rendered necessary aid to the sufferers. There were no casualities and that all the patients are improving.

2. From enquirires made, it was ascertained that the bad results were due to the presence of Huctcha Haraka (a grain not easily distinguishable from ragi) in the ragi meal prepared, of which the sufferers had partaken. This ragi is reported to have been sold in the Malavally Shandy on the 25th July 1919 by a mohammedan trader, who brought the ragi from Kodihally shandy in the Kankanhally Taluk.

I have the honor to be,
S i r,
Your most obedient servant,

Offg. Inspector-General of Police.

From

The Offg. Inspector-General of Police
in Mysore, Bangalore.

To

The Chief Secretary to the Government
of Mysore.

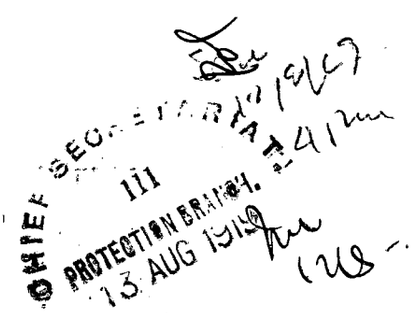
Dated 8th August 19
9

Despatched

No. C 23 of 19-20

4164

Forwarding report re the sufferers of Malavalli Town and its surrounding villages from cholera symptoms.



From The President
City Municipal Council
Bangalore

To The Secretary to Govt
Revenue Department
Bangalore

Dated
Despatched } 30.9.20.

Received Rev Secty
11 OCT 1920

General No. 66
No. C
Enclosure No. two.

III
1 Dy

Re Views of the municipal council regarding the unwholesome nature of milk, three cows sold in the city

Forwarding copies of the Resolution of the Managing Committee & the Municipal Council and stating that the introduction of Regulation corresponding the Madras act 3 of 1918 is necessary to prevent the adulteration

No 715-20 —/

To

B. RAMASWAMAIYA, Esq.,B.A.,B.L.,
Secretary to the Government of
His Highness the Maharaja of Mysore,
Revenue Department, BANGALORE.

S i r,

With reference to correspondence ending with your letter No.R.13440 dated 1st June 1920, regarding the unwholesome nature of milk, ghee and curds sold in the Bangalore City, I have the honor to state that the question was considered by the Managing Committee and the Municipal Council at the Meetings held on the 24th July 1920 and 4th September 1920 respectifully and they are of opinion that the introduction of a Regulation corresponding to the Madras Act III of 1918, to prevent the adulteration of food is necessary in the Bangalore City Copies of the resolutions of the Managing Committee and the Municipal Council are enclosed for information.

PROCEEDINGS OF THE MANAGING COMMITTEE MEETING HELD

ON THE 24th JULY 1 9 2 0.

P R E S E N T.

1..S.Venkatachala Iyengar, Esq.,
2. B. Chinnaswami Chetty, Esq.,
3. B. Usman Khan, Esq.,
4. S.K. Narasimhiah, Esq.,
5. P. Subbarama Chetty, Esq

A B S E N T.

1. The Vice President.
2. M. Subbiah, Esqure.
3. M. Venkatasubbiah, Esquire.
4. C.V. Narasimhiengar. Esqure.

The Chief Officer, the Health Officer and the Municipal Engineer were also present.

Mr. S.Venkatachala Iyengar was voted to the Chair.

2. Revenue Secretary's letter No.R.13440/Ml.dated 1st June 1920, calling for the views of the Municipal Council, regarding the unwholesome nature of milk, ghee and curds sold in the City.

RESOLUTION:-The Committee have considered the various aspects of the question and are of opinion that the introduction of a Regulation as the Madras Act III of 1918 to prevent the adulteration of food is necessary.

Sd/.S.Venkatachala Iyengar,
Chairman.

" C O P Y."

PROCEEDINGS OF AN ORDINARY GENERAL MEETING OF THE CITY MUNICIPAL COUNCIL HELD IN COUNCIL CHAMBER ON SATURDAY THE 4th SEPTEMBER 1920.

B.P. Garudachar, Esquire.

President.

1. B. Chinnaswami Chetty, Esq.,
2. C.V. Narasimma Iyengar, Esq., B.A., B.L.,
3. [illegible], Esq.,
4. Doddi Veerabhadra Chetty, Esq.,
5. D. Adeppa, Esq.,
6. K.V. Ramaswami Chetty, Esq., L.A.,
7. K. Gopalaswami Iyer, Esq.
8. [illegible] Venkatachala Iyengar, Esq., B.A., BL.
9. [illegible] Krishnamurti Rao,
10. K. Krishnappa, Esq., B.A.,
11. C. Venkataranga Iyengar, Esq.,
12. L. Venkatasubbiah, Esq.,
13. L. Abbas Khan, Esq.,
14. Rev. D.A. Rees.
15. P.V. Krishna Iyengar, Esq.,
16. K. Usman Khan, Esq.,
17. [illegible] Narasimhiah, Esq.,
18. [illegible] Ramachandra Rao, Sindhe, Esq.
19. [illegible] Subbarama Chetty, Esq.
20. V. [illegible] Srikantiah, Esq.,

ABSENT.

1. [illegible] Srinivasa Iyengar, Esq., B.A., BL.,
2. Doddi Siddabhappa Chetty, Esq.,
3. [illegible], Esq.,
4. G. Siddaveerappa, Esq.,
5. [illegible] Subbayya, Esq., [illegible].,
6. [illegible] Channapriah Pillay, [illegible].,

X X X X

4. Opinion of the Managing Committee dated 24th July 1920, stating that the introduction of a Regulation corresponding to Madras Act III of 1918 to prevent the adulteration of food is necessary

RESOLUTION:-The Council recommends that this act may be introduced.

OFFICE OF THE CITY MUNICIPAL COUNCIL,

Bangalore City, dated 10th July 1919

1621

From

DEWAN BAHADUR, RAJA SABHA BHUSHANA
K. P. PUTTANNA CHETTY, ESQ., C.I.E,
Honorary President, City Municipal Council,
BANGALORE CITY.

To

C.S. Balasundaram Iyer, Esq., B.A
Chief Secretary to the Government of
His Highness the Maharaja of Mysore,
BANGALORE.

Sir,

I have the honour to forward herewith for the information and orders of Government copy of resolution of the City Municipal Council dated 5th July 1919, recommending the adoption of legislative measures for the purpose of preventing the adulteration of food stuffs sold to the public.

2. It is a matter of common knowledge that the ghee that is sold in the bazaar and that used for preparing sweetmeats etc. in the bazaars is adulterated with foreign matter, often of an obnoxious kind and not congenial to health. Similarly with milk, butter, atta, etc. As there is no provision in the Municipal Regulation to effectively check this sort of adulteration of food stuffs, it is suggested that a special enactment may be introduced to cover this and similar cases.

I have the honour to be,

S i r,

Your most obedient servant,

K P Puttannachetty

Honorary President.

Proceedings of the Ordinary General Meeting of the City Municipal Council, Bangalore, held in the Council Chamber, City Municipal Office, on Saturday the 5th July 1 9 1 9

****

P R E S E N T.

Dewan Bahadur Raja Sabha Bhushana K.P. Puttanna Chetty, Esq., C.I.E.,
Honorary President.

MUNICIPAL COUNCILLORS.

1. C. Kesava Iya, Esq., B.A., B.L.,
2. D. Chinnaswami Chetty, Esquire,
3. Desada Siddabasappa Setty, Esq.,
4. C.V. Narasimha Iyengar, Esq., B.A., B.L.,
5. [illegible] Basappa, Esquire,
6. [illegible] Garudachar, Esquire,
7. Desada Veerabhadra Setty, Esq.,
8. G. Siddaveerappa, Esquire,
9. D. Adappa, Esquire,
10. B.V. Ramaswami Chetty, Esq., B.A.,
11. E. Subbaiya, Esq., B.A.,
12. H. Ramaiya, Esquire,
13. R. Gopalaswami Iyer, Esquire,
14. M.K. Krishna Murti Rao, Esquire,
15. S. Venkatachala Iyengar, Esq., B.A., B.L.,
16. C. Ramachandraswami, Esq., B.A.,
17. S. Venkataranga Iyengar, Esq.,
18. Rev.D.A. Rees,
19. D. Venkataramiah, Esq., B.A.,
20. M. Abbas Khan, Esquire,
21. B. Usman Khan, Esquire,

A B S E N T.

1. L.A. Pourval, Esquire,
2. D.E. Gnanapriam Pillay, Esquire,
3. S.K. Narasimiah Esquire,
4. P. Subbarama Chetty, Esquire,
5. D. Ramachandra Rao Sindhe, Esq.,

X X

15. Letter dated 26th May 1919, from Mr.M.K. Krishna Murti Rao, Municipal Councillor, proposing to move the following propositions:-

(1). That the Thulasithotam Theatre should be condemned and performances therein prevented in future, that four central open

open spaces be reserved for theatres in different parts of the City, that about one acre of land near the circle in Fort Centre Road be reserved for a theatre for the convenients of the resident of Basavangudi, Shankarpur Etc., and that Dramatic performances should be held only upstairs.

Resolution:- Proposed by Mr.M.K. Krishna Murti Rao and seconded by Mr.Siddabasappa Setty. The proposition was lost, 3 voting for it and 7 against it.

(2). That the use of bad ghee in the sweet-meet shops should be prohibited.

Resolution:- Proposed by Mr.M.K. Krishnamurti Rao and seconded by Mr.Siddabasappa Setty. Resolved that a recommendation be made to Government to pass legislation to prevent the adulteration of food stuffs.

X X

(Sd).K.P. Puttanna Chetty,
Honorary President.

Whereas it is expedient in the interests of public health, to prevent the adulteration of food; His Highness the Maharaja is pleased to enact as follows:-

1 (1) This Regulation shall be called the Mysore Prevention of Adulteration Regulation, 1920.

(2) This section extends to the whole of Mysore; and ~~every other section extends only to such local area as government may by notification direct;~~ and repeal either of all

"food includes every article (other than drugs, water or ice) used by man for food drink ~~or as appetizer~~, and all material used or admixed in the composition or preparation of such article

butter and cheese mean respectively pure butter and pure cheese made from milk or cream or both, with or without the addition of salt & other innocuous preservative & of innocuous colouring matter

"ghee" means pure ghee prepared from pure butter

such officer or servant as may be designated by government for the exercise of the functions of a local executive officer under this Regulation

3 (1) The local executive officer may delegate his powers and duties under this Regulation to such persons and in such manner as may be prescribed.

(2) Every person to whom powers have been delegated under this section shall be

one or more areas to which they have extended any of the provisions of these Regns and of local authorities have been constituted for such areas, may require such authorities to defray in whole or in part and in such proportions as ~~the local~~ Govt may determine the expenses of and connected with the appointment of the analyst and of executing these Regns

the purchaser; or

(b) manufactures for sale or offers for sale or has in his stock or sells any food which is not of the nature substance, or composition or quality of which it purports or is represented to be or

(c) abstracts from any food any part of it so as to affect injuriously the nature, substance, composition or quality thereof with intent that it should be sold in an altered state without notice of the alteration, or sells any article so altered without making disclosure of the alteration or

(d) sells milk, cream, butter, ghee or cheese which is not up to the standard of purity prescribed by Govt

purpose ~~and for~~
provided that in the
following cases no offence
under this section shall
be deemed to have been
committed :-
(i) where any innocuous
material has been used
or admixed in the
composition or preparation
of the food to render the
same fit for carriage
or consumption and
not fraudulently to
increase the bulk,
weight or measure
of the food or to conceal
or ~~bar~~ debase the
quality thereof ; or
(ii) where in the process
of production, collection
preparation or conveyance
of the food some extraneous
material has unavoidably
been admixed therewith or

the purchaser either by means of a label on or with the food or in such other manner as ~~the~~ Govt may by rule framed under section 20 of this Regulation prescribe, or (iv) where the food is ~~a food to any preparation~~ ~~or is~~ the subject of a patent in force and is applied in the state required by the specification thereof

(2) In every prosecution for an offence against this section, the court may presume that any food found in the possession of a person who is in the habit of manufacturing like articles of food, has been manufactured for sale.

6. (1.) In every prosecution for an offence against the last preceding section, it shall be no defence to allege merely that the vendor was ignorant of the nature substance, composition or quality of the food sold by him or that the purchaser having bought only for

by the sale

Provided that the vendor shall not be deemed to have committed an offence under section 5, if he proves that the food was purchased by him as the same in nature substance, ~~composition~~ and quality as that demanded by the purchaser and with a written warranty to the effect that it was of such nature substance ~~composition~~ and quality that he had no reason to believe at the time when he sold the same that the food was not of such nature, substance, ~~composition~~ or quality, and that he sold it in the same state as that in which he purchased it

offence has been proved the employer proves to the satisfaction of the court that he used due diligence to enforce the execution of this Regn and that the said other person committed the offence without his knowledg consent or connivance ~~that~~ the said other person shall be convicted and the employer shall be acquitted

7 (1) The local executive officer may without notice enter any place where articles of food are being manufactured or exposed for sale at any time by day or night when the exposure for sale or manufacture is being carried on and inspect the same and any utensil or vessel used for manufacturing preparing or containing any such article

In any legal proceedings respect of powers exercised under this section in which it is alleged that any food was not kept exposed, hawked about, manufactured prepared, stored, packed or cleansed for sale, or was not intended for human food, the burden of proof shall lie on the party so alleging

8 Every person who shall in any manner whatsoever prevent the local executive officer or person duly authorized by him exercising his powers under the last preceding section, shall be punished where his act does not amount to an offence under the Indian Penal code with a fine which may extend to fifty rupees

If any article intended for food appears to the local executive officer to be adulterated or other than what it purports or is represented to be, or if any vessel or utensil used in

manufacturing, preparing or containing such article appears to violate any rule made under section 20 he may seize or carry away or secure such article, vessel or vessel, in order that the same may be dealt with as hereinafter provided

10 Every person who shall remove or in any way interfere with an article secured under the last preceding section shall be ~~so~~ punished with fine which may extend to five hundred rupees.

11 When any article of food seized under section 9 appears to the local executive officer to be adulterated or other than what it purports ~~to be~~ or is represented to be he shall forthwith send a sample of such article to the public analyst.

a sample of article ~~et~~
has been sent to the public
analyst the article or
sample thereof may be
produced before the
magistrate after receipt
of the public analysts
certificate

(2) Whether or not
complaint as laid before
the magistrate of any
offence under the Indian
Penal code or under ~~any~~
this Regulation it
appears to the magistrate
on taking such evidence
as he thinks necessary
that any such article is
adulterated or other than
what it purports or is
represented to be or any
such utensil or vessel
is of such kind or in such
state as is described in
section 9 he may order

(a) to be forfeited to
~~Government~~ or the local
authority, or

(b) to be destroyed at
the charge of the owner or
person in whose possession
it was at the time of
seizure in such manner

as to prevent the same being again exposed or hawked about for sale or used for human food or for the manufacture or preparation of or for containing any such article as aforesaid

13 (1) Any purchaser of any article of food shall be entitled if a public analyst has been appointed for the area within which such article is purchased, on payment of such fees as may be prescribed by the authority appointing the analyst, to have such article analysed by the public analyst and to receive from him a certificate of the result of his analysis

one is to be analysed, another to be retained by him in order to be returned with his certificate and the third to be delivered on demand to the seller provided that each part other than the part analysed, shall be marked and sealed fastened up in such manner as its nature permits

14 (1) The local executive officer may purchase a sample of any article of food from any person who is in the course of delivering or preparing to deliver it to a purchaser or consignee, and may submit it to be analysed by the public analyst appointed for the area within which such sample has been procured

of submitting it to be analysed by the pub'— analyst he shall notify to the person from whom he has purchased the article, his intention to have it analysed ~~to~~ and shall divide it into three parts to be then and there separated and each part to be marked and sealed or fastened up in such manner as its nature permits and shall deliver one of the said parts to the seller and retain another of the parts for production in case proceedings are taken and submit the third part, if he deems it right to have the articles analysed, to the public analyst

(2) If the seller declines to accept one of the parts, the public analyst procuring a sample for analysis shall divide it into ~~parts~~ two parts and shall seal or fasten up one of those parts and shall cause it, either when receipt of the sample or when he delivers his certificate, to be delivered to the purchaser or to the local executive ~~authority~~ officer who shall retain it for

16 (1) Every public analyst to whom a sample has been submitted under this Regn shall deliver to the person so submitting a certificate in the form prescribed in the schedule to this Regn, or to the like effect, specifying the results of his analysis

18. Institution of proceedings in courts.

No prosecution under this Regulation shall be instituted except on the complaint of the purchaser or with the consent in writing of the local executive officer

No proceedings to be instituted more than three months after the offence.

19 No prosecution under this Regulation shall be commenced after the expiry of three months after the commission of the offe

such analyses
Court and the expense
of such analysis shall be
paid by the accused or
the complainant as the
Court may by order direct

17 Third class magis-
trates shall not try any
offence under this Regn.
unless they have been
generally or specially empowered
in this behalf by Govt

18 Govt may after
previous publication, make
rules consistent with this
Regn. for the whole or any
part of the area to which
this Regn may have been
extended —

(a) Prescribing the classes
or qualifications of persons
to whom and the conditions
on which the Chief executive
Officer may under sec: 3
delegate his powers;

preserving [illegible]
in which use of any ~~adulte-~~
~~ration~~ addition, admixture
defficiency shall be
given to the purchaser
of any article of food

(e) prescribing standards
of purity for milk cream,
butter ghee, and cheese, and
determining what deficiency in
any of the normal constituents
of these articles or what addition
of any extraneous matter or
proportion of water in any
of the same or any preparation
of the same shall for the
purposes of this Rule raise
a presumption until the
contrary is proved that the
milk cream butter, ghee
or cheese is not genuine,
or is injurious to health,

And providing for fines
not exceeding rupees

of penalty for breach of rules made under clauses (c) and (d),

21 ~~11~~ Every local authority exercising control over any local area to which these ~~Act~~ Regns has been extended may under the provisions respecting the making of by laws of the legislation under which such local authority is established make by-laws not inconsistent with these Regns or rules made under ~~the last~~ ~~clause~~ for all the

prepared or exposed
for sale hawked about
or sold

22 ~~20~~ The provisions
of sections 2 to ~~19~~ 21 of the
Regs shall be read as
supplemental to the
Regulation under which
the local authority

Schedule

Form of certificate

To

I, the undersigned, public
analyst for the
do hereby certify that I received
the day of 19 from
a sample of
or analysis (which then weighed
and have analysed the
same and declare the result
of my analysis to be as follows
I am of opinion that the
same is a sample of genuine

may state whether in excess of what is ordinary or otherwise, and whether the ingredients or materials mixed are or are not injurious to health

In the case of artificials regarding milk, butter, ghee or any article liable to decomposition, the analyst shall specially report whether any change had taken place in the constitution of the article that would interfere with the analysis.

Statements of
Objects and reasons

The question of
legislating for the
prevention of adulteration
of milk was mooted in
the R A Oct 1917.
The evil arising from
adulteration of milk
and also of other
food stuffs like ghee oil
is growing especially in
large towns and cities
and it is deemed desirable
to legislate for the
prevention of adulteration
of all food stuffs
This Bill has accordingly
been drafted on the lines of the
one introduced into the
Madras legislative Council

Power is reserved to
apply the provisions of
the Bill in large Municipalities and other
areas where adequate
provision could be

~~made for analysis~~
and
~~~~ constant inspection
of places where food
stuffs are manufactured
or sold and public
analysts could be
appointed.
~~~~

The Survey Commissioner
in Mysore

Sir,

I am directed to forward herewith a copy of the draft bill for the prevention of adulteration of foodstuffs and the rules thereto and request you to be good enough to favour

Department of Public Health in Mysore.

OFFICE OF THE SANITARY COMMISSIONER
WITH THE GOVT. OF MYSORE.

Bangalore, dated the 23rd October *1919.*

No. B Dis 35
Enc. One Book

Dis. Div No 6739

Legis
27-17

From

A. K. PANI, Esq., D.P.H., etc.
Offg. Sanitary Commissioner with the Government of H. H. the Maharaja of Mysore, BANGALORE.

To

C. S. Balasundaram Iyer, Esq., B.A.,
Chief Secretary to Government,
Bangalore.

Sir,

In returning herewith the draft bill for the prevention of adulteration of foodstuffs, received with your letter No.G.8217 Legis 27-17-2 dated the 29th September 1919, I have the honour to state that the draft is suitable and may be adopted. The slight alterations I would suggest are:—

(1) Add "intimate" after "Notify" in para 13 (2) and insert "final" before "evidence" in para 16 (2)

I have the honour to be,
Sir,
Your most obedient servant,

A. K. Pani

Offg. ~~Sanitary~~ Commissioner.

Section Legs
File No. 27-17
Serial No. 4

D O

No. 12847 Fins

To

Dear Sir

I am forwarding herewith a copy of the ~~Madras Prevention of adulteration Act, 1918~~ I am desired to request you to be so good as to favour Government with your opinion in the matter of ~~introducing a similar piece of legislation in the State~~

G. R. S. V1—G/32]

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

GENERAL AND REVENUE SECRETARIAT

( )

, the *19*

Date of issue 26/4

Signed by S W Rice

Section Legs

File No. 27-17

Serial No. 5

No. G12348-9

Ends 4 Each

To

The Hony. Presidents

of Bangalore & Mysore

City municipalities

Sir

I am directed to forward herewith a copy of the ~~Madras Prevention of Adulteration Act, 1918~~ and to request you to be so good as to favour Govt with your opinion

Draft Bill for the Prevention of Adulteration of food stuffs proposed to be introduced in the State

in the matter of introducing
~~similar enactment in~~
~~the State~~.

I have et

D M.

10/11 For chief Secy.

867
2/4/19
Addl
13/4

No. Dis C. 280
Encls. One

Office of the Senior Surgeon, Mysore Govt.,

Dated, Bangalore 2nd February 1920.

14415

From

Rajakarya Pravina

Rao Bahadur T. V. Arumugum Mudaliar, Esq., M. B., C. M.,

Senior Surgeon with the Government of

H. H. the Maharaja of Mysore, Bangalore.

Legis
FILE No. 27-17
SERIAL No. 36

To

The Chief Secretary to the Government of

H. H. the Maharaja of Mysore,

Bangalore.

Sir,

With reference to your D. O. letter No.G.12347-Legis. 27-17-4, dated 26th November 1919, forwarding for my opinion a copy of the draft of a regulation for the prevention of Adulteration of Food-stuffs proposed to be introduced in the State, I have the honor to state that legislation of the kind seems desirable in the interests of public health. Under section 20(e) power is taken by the Government for prescribing standards of purity only for milk and its products. Similar power for fixing or defining the standard of purity in respect of any other article of food which may have to be brought under the provisions of the regulation appears to be necessary unless it is considered that the provisions of section 21 are elastic enough to confer power in that behalf to the local authorities when making by-laws.

I have the honor to be,

Sir,

Your most obedient servant,

T V Arumugum

Senior Surgeon.

From

The Senior Surgeon,

2[illegible]212 Mysore Govt., Bangalore.

To

The Chief Secretary
to the Govt. of Mysore,
Deptt.,
Bangalore.

Date 2nd Feb. 1920

No. G. C. Dis 280

Encls.

GOVT. OF MYSORE
Ch. Secy.
4 - FEB 1920

Subject.

Submits his opinion on the proposed legislation for the prevention of adulteration of food.

No. 123
Enc. 2

OFFICE OF THE PRESIDENT,
CITY MUNICIPAL COUNCIL, MYSORE.

Dated 27th March 1920.

18393.

5—4

27/8

F

RAJASABHABHUSHANA DIWAN BAHADUR,
C. SRIKANTESVARA AIYAR, B. A., B. L.,
PRESIDENT, CITY MUNICIPAL COUNCIL,
MYSORE.

7 APR 1920

To,
C. S. Balasundaram Iyer, Esquire., B.A.,
Chief Secretary, to the Government of His Highness
the Maharaja of Mysore.

SIR,

With reference to your letter No. G. 12348-9 Legis. 27-17-5 dated 26th November 1919 forwarding for opinion a copy of the Draft Bill for the prevention of adulteration of food stuffs, I have the honor to forward herewith a copy of the Resolution of the Municipal Council unanimously and whole heartedly approving of the said Draft bill and to request that you may be so good as to move Government to pass the Bill as early as practicable.

I have the honour to be,
Sir,
your most obedient servant,

President.

Proceedings of the 18th (ORDINARY) meeting of the City Municipal Council, Mysore held in the Rangacharlu Memorial Hall on SATURDAY the 27th March 1920 at 7-30 A.M.

Present.

Rajasabhabhushana, Diwan,Bahadur.

C. Srikantesvara Aiyar, B.A., B.L., President.

1. M.S. Krishna Rao, Esq., B.A., B.L., Vice President.
2. M.H. Ranga Iyengar, Esq.,
3. Settappa Siddappa, Esq.,
4. M. Venkatakrishnaiya, Esq.,
5. Mahomed Jaffer Saheb, Esq.,
6. V. Thiruvengada Mudaliyar, Esq.,
7. Lokasevaniratha Amble' Anniah Pandit, Esq.,
8. A. Subbanna, Esq.,
9. M. Narayanaswamy, Esq.,
10. N. Setwaji Rao, Esq.,
11. C. Narasimhiah, Esq., B.A., B.L.,
12. A. Krishna Rao, Esq., B.A., B.L.,
13. Dharmaprakasa D. Banumiah, Esq.,
14. Kaveripatnam Subrayachetty, Esq.,
15. K. Dhanakotichetty, Esq.,
16. Lokahithaishi H. Nanjundaraja Urs, Esq.,
17. Madappa, Esq.,
18. Purushothamanandagiri Goswamy, Esq.,
19. N. Desikachar, Esq., B.A.,
20. K. Chandrasekharaiya, Esq., B.A., B.L.,
21. Rev. H. Spencer.,
22. M.L. Vasudeviah, Esq.,

Absent.

1. Sowcar Doddiah, Esq.,
2. Mahamed Sait, Esq.,
3. M. Anantharajiah, Esq.,
4. Sirdar M. Gopalakrishne' Urs, Esq.,
5. Abdul Aziz Pasha, Esq.,
6. Rev. Father D.F. Laurent

x x x

XXV. Letter No. 12348-9/Legis. 27-17-5 dated 26th November 1919 from the Chief Secretary to Government forwarding for opinion a copy of the Draft Bill for the prevention of adulteration of Foodstuffs.

Resolved that the Draft Bill be approved and the Government be requested to pass the Bill as early as practicable.

No. 256
Encs two

OFFICE OF THE CITY MUNICIPAL COUNCIL,

Bangalore City, dated 14th April 1920.

8969

24929 *From*

B. K. GARUDACHAR, ESQ.
President, Municipal Council,
BANGALORE CITY.

Legs 27-17 No. 8

To

C.S. BALASUNDARAM IYER, Esq., B.A.,
Chief Secretary to the Government of
His Highness the Maharaja of Mysore,
BANGALORE.

Sir,

Referring to your letter No.G.12348-9/Legis.27-17-5 dated 26th November 1919, forwarding for opinion a copy of the draft bill for the Prevention of Adulteration of Food Stuffs, I have the honour to state that the draft bill was first considered by a select Committee of Municipal Councillors and the Health Officer and the resolution of the Committee was approved by the Council at the General Meeting held on the 10th instant. A copy of the proceedings of the select Committee together with the resolution of the Municipal Council is submitted for the information and orders of Government. The bill is self contained and is bound to prove useful.

I have the honour to be,

SIR,

Your most obedient servant,

President.

Proceedings of the Ordinary General Meeting of the City Municipal Council, Bangalore, held in the Council Chamber, City Municipal Office on Saturday the 10th April 1920.

P R E S E N T.

B.K. GARUDACHAR, Esq., President.

MUNICIPAL COUNCILLORS.

1. B. Chinnaswami Chetty, Esq.,
2. Desada Siddabasappa Setty, Esq.,
3. C.V. Narasimha Iyengar, Esq., B.A., B.L.,
4. P.M. Basappa, Esq.,
5. L.A. Pourwal, Esq.,
6. D. Veerabhadra Setty, Esq.,
7. D. Adeppa, Esq.,
8. B.V. Ramaswami Chetty, Esq., B.A.,
9. M. Subbiah, Esq., B.A.,
10. R. Gopalaswami Iyer, Esq.,
11. S. Venkatachala Iyengar, Esq., B.A., B.L.,
12. H. Krishnappa, Esq., B.A.,
13. Rev. D.A. Rees,
14. M. Venkatasubbiah, Esq.,
15. D.M. Gananpriam Pillay, Esq.,
16. B.V. Krishna Iyengar, Esq.,
17. M. Abbas Khan, Esq.,
18. B. Usman Khan, Esq.,
19. M. Ramachandra Rao Sindhe, Esq.
20. P. Subbarama Chetty, Esq.,

A B S E N T.

1. B. Srinivasa Iyengar, Esq., B.A.,BL,
2. G. Siddaveerappa, Esq.,
3. H. Ramaiah, Esq.,
4. M.K. Krishnamurti Rao, Esq.,
5. S. Venkataranga Iyengar, Esq.,
6. S.K. Narasimhiah, Esq.,
7. V.B. Srikantiah, Esq.,

39. Health Officer's Memo No.1539 dated 26th March '20, submitting report of the Sub-Committee, re Draft Bill to prevent the "Adulteration of Food Stuffs".

Resolution:- The report be submitted to Government.

Sd/- B.K. Garudachar,
President.

President.

Proceedings of the Committee appointed for the consideration of the Draft Bill for the prevention of Adulteration of Food Stuffs:-

******

P R E S E N T.

Messrs: C.V. Narasimha Iyengar, B.A., B.L.,
R. Gopalaswami Iyer,
M. Ramachandra Rao Sindhe,
B.V. Ramaswami Chetty, B.A.,
The Health Officer (Convener)

We are of opinion that a Regulation on the model of the Madras Act No.III of 1918 is very necessary to be in force as it is a great improvement over the provision of section 142 of the Municipal Regulation. Section 142 can be worked within the Municipal limits whereas it is of ordinary occurrence that most of the articles of food are introduced into the Municipal areas from outside Villages over which the Council can exercise no control. Again the Section except as a penalizing provision does not prescribe the procedure to be adopted by the Executive Officers to bring the offenders to justice. There is no definition of the term 'human-food' contained in the Section and the whole provision is as vague as it can be. The burden of proof is on the prosecution which it sometimes finds very difficult to discharge, but as a matter within the special knowledge of the accused, it will be easy for him to prove how he is out of its provision. The standard of purity is not contemplated to be prescribed under the section and we do not know which public functionary is to be restored to, to declare the composition of the articles subjected to analysis and how it should be treated as evidence in a Court of Law. We have no power under the Section to take samples or to control the

nature of the receptacle used in manufacturing, preparing or containing an article of food. A Private individual has no right of action against an offender except through the agency of the Municipal Officers. In fine the Section is defective in various particulars which are all remedied by the Regulation proposed to be introduced which as it is, is self contained and full in every particular.

G. R. S. 26]

File No. D 7

Serial No. 9

Diary No. of letter replied to———

No. Col 328 Encl 2

General and Revenue Secretariat

( )

the *191*

To

The J. A. Resident

Sir

Date of issue 11th September 1920

Signed by Mr. C. S. B. Iyer

I am directed to forward herewith a copy of the Prevention of Adulteration Bill with a Statement of Objects & Reasons which fully explains the scope of the Bill.

It will be placed before the Legislative Council in due course

& the no ob-

over.

[Printed under the authority of the Governor of Fort St. George in Council by the Superintendent of the Government Press, Madras.]

MADRAS ACT No. III OF 1918.

PASSED BY THE GOVERNOR OF FORT ST. GEORGE IN COUNCIL.

Received the assent of the Governor on the 11th September 1918 and that of the Governor-General on the 10th October 1918; the assent of the Governor-General was first published in the "Fort St. George Gazette" of the 29th October 1918.]

The Madras Prevention of Adulteration Act, 1918.

WHEREAS it is expedient, in the interests of the public health, to prevent the adulteration of food; It is hereby enacted as follows:— Preamble.

1. (1) This Act may be called the Madras Prevention of Adulteration Act, 1918. Short title and extent

(2) This section extends to the whole of the Madras Presidency; the rest of the Act shall extend only to such local areas as the Local Government may by notification in the *Fort St. George Gazette* direct, and in respect either of all food or such as the Local Government may specify in the notification; and, if the Local Government so direct, only for the duration of any market, fair or festival or other large assembly of people.

Provided that such notification shall be made only after the local authority or authorities concerned have had an opportunity of expressing an opinion as to the necessity for such extension.

2. In this Act unless there is something repugnant in the subject or context:— Interpretation cla

'food' includes every article (other than drugs or water) used by man for food or drink, and all material

used or admixed in the composition or preparation of such article and shall also include flavouring matter and condiments

'butter' and 'cheese' mean respectively butter and cheese made exclusively from milk or cream or both with or without the addition of salt or other innocuous preservative, or of innocuous colouring matter;

'ghee' means ghee prepared exclusively from butter made from cow's or buffalo's milk or cream or both;

'prescribed' means prescribed by rules made under this ~~Act~~; Regulation

'public analyst' means any person appointed by or with the approval of the ~~Local~~ Government to exercise the powers of a public analyst under this ~~Act~~; Regulation

'local executive officer' means, in any municipality ~~in which there is a commissioner, the commissioner; in other municipalities,~~ the president or chairman of the council; and in or for other local areas, the president of the taluk board, or if there is no taluk board, the president of the district board, or if there is no taluk or district board, such public servant as may be designated by the ~~Local~~ Government for the exercise of the functions of a local executive officer under this ~~Act~~. Regulation

3. (1) The local executive officer may delegate his powers and duties under this ~~Act~~ Regulation to such persons and in such manner as may be prescribed.

(2) Every person to whom powers have been delegated under this section shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

4. (1) The local authority having control over any local area to which any provisions of this ~~Act~~ Regulation may be extended may, subject to the approval of Government, appoint a public analyst for such area.

(2) When no public analyst has been appointed under sub-section (1), the ~~Local~~ Government may appoint one for any one or more areas to which they have extended the provisions of this ~~Act~~ Regulation, and if local authorities have been constituted for such areas, may require such authorities to defray in whole or in part and in such proportions as the ~~Local~~ Government may determine, the expenses of and connected with the appointment of the analyst and of executing this ~~Act~~. Regulation

(3) For the enforcement of a requisition made under sub-section (2) the ~~Local~~ Government shall have all such powers of control over every local authority as are given to them in respect of any similar matter by the ~~Act~~ under which such local authority is established. Regulation

5. (1) Every person who Offences and exceptions.

(*a*) sells any food which is not of the nature, substance or quality of the article demanded by the purchaser; or

(*b*) manufactures for sale, or offers for sale or hawks about or sells any food which is not of the nature, substance or quality which it purports, or is represented to be; or

(*c*) abstracts from any food any part of it so as to affect injuriously the nature, substance or quality thereof with intent that it should be sold in its altered state without notice of the alteration, or sells any article so altered without making disclosure of the alteration, or

(*d*) sells milk, cream, butter, ghee or cheese which is not up to the standard of purity prescribed by ~~the Governor in Council~~ Government;

shall be punished for the first offence with fine which may extend to one hundred rupees and for every subsequent offence with fine which may extend to five hundred rupees.

Provided that in the following cases no offence under this section shall be deemed to have been committed:—

(i) where any innocuous material has been used or admixed in the composition or preparation of the food to render the same fit for carriage or consumption and not fraudulently to increase the bulk, weight or measure of the food or to conceal or debase the quality thereof; or

(ii) where in the process of production, collection, preparation or conveyance of the food some extraneous material has unavoidably been admixed therewith; or

(iii) where any innocuous material has been added or admixed or the article of food sold is not up to the standard of purity prescribed by ~~the Governor in Council~~, and before the sale the vendor has clearly brought the fact to the notice of the purchaser either by means of a label on or with the food or in such other manner as the ~~Local~~ Government may, by rule framed under section 20 of this ~~Act~~ Section, prescribe; or

(iv) where the food is the subject of a patent in force and is supplied in the state required by the specification thereof.

(2) In every prosecution for an offence against this section, the court may presume that any food found in the possession of a person, who is in the habit of manufacturing like articles of food, has been manufactured for sale.

6. (1) In every prosecution for an offence against the last preceding section, it shall be no defence to allege merely that the vendor was ignorant of the nature, substance or quality of the food sold by him or that the purchaser having bought only for analysis was not prejudiced by the sale.

Provided that the vendor shall not be deemed to have committed an offence under section 5, if he proves that the food was purchased by him as the same in nature, substance and quality as that demanded by the purchaser and with a written warranty to the effect that it was of such nature, substance and quality, that he had no reason to believe at the time when he sold the same that the food was not of such nature, substance or quality, and that he sold it in the same state as that in which he purchased it.

(2) Where an employer is charged with an offence under this ~~Act~~, he shall be entitled on application duly made by him to have any other person whom he charges as the actual offender brought before the court at the time appointed for the hearing, and if, after the commission of the offence has been proved, the employer proves to the satisfaction of the court that he used due diligence to enforce the execution of this ~~Act~~ and that the said other person committed the offence without his knowledge, consent or connivance, the said other person shall be convicted and the employer shall be acquitted.

7. (1) The local executive officer may without notice enter any place where articles of food are being manufactured or exposed for sale at any time by day or night when the exposure for sale or manufacture is being carried on and inspect the same and any utensil or vessel used for manufacturing, preparing or containing any such article.

(2) No claim shall lie against any local authority or any person for any damage or inconvenience necessarily caused by the exercise of powers under this section or by the use of any force necessary for effecting an entry into any place under this section.

(3) In any legal proceedings in respect of powers exercised under this section in which it is alleged that any food was not kept, exposed, hawked about, manufactured, prepared, stored, packed, or cleansed for sale, or was not intended for human food, the burden of proof shall lie on the party so alleging.

8. Every person who shall in any manner whatsoever prevent the local executive officer or person duly authorized by him exercising his powers under the last preceding section, shall be punished, where his act does not amount to an offence under the Indian Penal Code, with a fine which may extend to fifty rupees.

9. If any article intended for food appears to the local executive officer to be adulterated or other than what it purports or is represented to be, or if any vessel or utensil used in manufacturing, preparing or containing such article appears to violate any rule made under section 20, he may seize or carry away or secure such article, utensil or vessel, in order that the same may be dealt with as hereinafter provided

10. Every person who shall remove or in any way interfere with an article secured under the last preceding section shall be punished with fine which may extend to five hundred rupees.

11. When any article of food seized under section 9 appears to the local executive officer to be adulterated or other than what it purports or is represented to be, he shall forthwith send a sample of such article to the public analyst.

12. (1) Articles of food or samples thereof, utensils, or vessels seized under section 9, shall, as soon as possible, be produced before a magistrate

Provided that where a sample of an article has been sent to the public analyst the article or sample thereof may be produced before the magistrate after receipt of the public analyst's certificate.

(2) Whether or not complaint is laid before the magistrate of any offence under the Indian Penal Code or ~~under this Act~~, if it appears to the magistrate on taking such evidence as he thinks necessary that any such article is adulterated or other than what it purports or is represented to be, or any such utensil or vessel is of such kind or in such state as is described in section 9 he may order the same

(*a*) to be forfeited to the local authority, or

(*b*) to be destroyed at the charge of the owner or person in whose possession it was at the time of seizure in such manner as to prevent the same being again exposed or hawked about for sale or used for human food or for the manufacture or preparation of or for containing any such article as aforesaid.

13. (1) Any purchaser of any article of food shall be entitled, if a public analyst has been appointed for the area within which such article is purchased, on payment of such fees as may be prescribed by the authority appointing the analyst, to have such article analysed by such public analyst and to receive from him a certificate of the result of his analysis.

(2) Before submitting such article to be analysed as aforesaid the purchaser shall notify to the seller his intention to have it so analysed; and the public analyst on receiving such article for analysis shall divide it into three parts, of which one is to be analysed, another to be retained by him in order to be returned with his certificate and the third to be delivered on demand to the seller provided that each part, other than the part analysed, shall be marked and sealed or fastened up in such manner as its nature permits.

14. (1) The local executive officer may purchase a sample of any article of food from any person exposing such article for sale or from any person who is in the course of delivering or preparing to deliver it to a purchaser or consignee, and may submit it to be analysed by the public analyst appointed for the area within which such sample has been procured.

(2) Every such person who refuses to sell such sample to the local executive officer or any person duly authorized by him at the price at which he usually sells the article shall be punished with fine which may extend to Rs. 100.

15. (1) When the local executive officer or any other person purchases a sample of food with the intention of submitting it to be analysed by the public analyst, he shall notify to the person from whom he has purchased the article his intention to have it analysed and shall divide it in three parts to be then and there separated and each part to be marked and sealed or fastened up in such manner as its nature permits and shall deliver one of the said parts to the

seller and retain another of the parts for production in case proceedings are taken and submit the third part, if he deems it right to have the articles analysed, to the public analyst.

(2) If the seller declines to accept one of the parts, the public analyst receiving a sample for analysis shall divide it into two parts and shall seal or fasten up one of those parts and shall cause it, either upon receipt of the sample or when he delivers his certificate, to be delivered to the purchaser or to the local executive officer who shall retain it for production in case proceedings are taken.

16. (1) Every public analyst to whom a sample has been submitted under this ~~Act~~ shall deliver to the person so submitting it a certificate in the form prescribed in the schedule to this ~~Act~~, or to the like effect, specifying the result of his analysis.

(2) Any document purporting to be such certificate signed by a public analyst may be used as evidence of the facts stated therein in any proceedings under this ~~Act~~ or under sections 272 to 276 of the Indian Penal Code.

Provided that any court before which a case under this ~~Act~~ may be pending, whether exercising original, appellate or revisional jurisdiction, may in its discretion, at the request either of the accused or of the complainant, cause any article of food to be sent for analysis to the Chemical Examiner to Government or to any public analyst designated for the purpose by ~~the Local~~ Government, who shall thereupon analyse the same and report the result of such analysis to the said court: and the expense of such analysis shall be paid by the accused or the complainant, as the court may by order direct.

17. Third-class magistrates shall not try any offence under this ~~Act~~ unless they have been generally or specially empowered in this behalf by ~~the Local~~ Government.

18. No prosecution under this ~~Act~~ shall be instituted except on the complaint of the purchaser or with the consent in writing of the local executive officer.

19. No prosecution under this ~~Act~~ shall be commenced after the expiry of three months after the commission of the offence.

20. ~~The Local~~ Government may, after previous publication, make rules consistent with this ~~Act~~ for the whole or any part of the area to which this ~~Act~~ may have been extended—

(*a*) prescribing the classes or qualifications of persons to whom and the conditions on which the local executive officer may under section 3 delegate his powers;

(*b*) determining the limits within which the local executive officer may exercise his powers whether such limits are within or without the local area in respect of which he holds any public office;

(*c*) prescribing in the interests of the public health the state in which utensils and vessels used for manufacturing, preparing, or containing any food intended for sale shall be kept, and prohibiting the use of utensils and vessels made, in whole or in part, of materials likely to injure such food;

(*d*) prescribing the manner in which notice of any addition, admixture or deficiency shall be given to the purchaser of any article of food;

(*e*) prescribing standards of purity for milk, cream, butter, ghee, and cheese, and determining what deficiency in any of the normal constituents of these articles or what addition of any extraneous matter or proportion of water in any of the same or any preparation of the same shall for the purposes of this ~~Act~~ raise a presumption until the contrary is proved that the milk, cream, butter, ghee or cheese is not genuine, or is injurious to health;

And providing for fines not exceeding rupees one hundred in the case of a first offence and rupees five hundred for every subsequent offence by way of penalty for breach of rules made under clauses (*c*) and (*d*)

21. Every local authority exercising control over any local area to which this ~~Act~~ Regulation has been extended may, under the provisions respecting the making of by-laws of the ~~Act~~ under which such local authority is established make by-laws not inconsistent with this ~~Act~~ Regulation or rules made under the last preceding section for all the purposes of this ~~Act~~ and in particular, without prejudice to the generality of the power hereby given, for the prevention of the manufacture or preparation for sale, the exposure for sale, or hawking about, or the sale of articles of food which are adulterated or other than what they purport or are

are represented to be and the inspection and the regulation of places in which such articles are kept, stored, packed, cleansed, manufactured, prepared or exposed for sale, hawked about or sold.

22. The provisions of sections 2 to 21 of this ~~Act~~ Regulation shall be read as supplemental to the ~~Act~~ Reg under which the local authority concerned is constituted.

SCHEDULE.

Form of Certificate.

To

I, the undersigned, public analyst for the , do hereby certify that I received on the day of 19 from a sample of for analysis (which then weighed ‡) and have analysed the same and declare the result of my analysis to be as follows :--

I am of opinion that the same is a sample of genuine or

I am of opinion that the said sample contained the parts as under, or the percentages of foreign ingredients as under :—

§ Observations.

Signed this day of 19

A.B.

at

In the case of a certificate regarding milk, butter, ghee or any article liable to decomposition, the analyst shall specially report whether any change had taken place in the constitution of the article that would interfere with the analysis.

Here insert the name of the person submitting the article for analysis.

† Here insert the name of the person delivering the sample. If the sample is received by post or by railway, entry should be made accordingly.

‡ When the article cannot be conveniently weighed, this passage may be erased or the blank may be left unfilled.

§ Here the analyst may insert at his discretion his opinion as to whether the mixture (if any) was for the purpose of rendering the article potable or palatable, or of preserving it, or of improving the appearance, or was unavoidable, and may state whether in excess of what is ordinary or otherwise, and whether the ingredients or materials mixed are or are not injurious to health.

STATEMENT OF OBJECTS AND REASONS.

The question of legislating for the prevention of adulteration of milk was mooted in the Representative Assembly in October 1917.

The evil arising from adulteration of milk and also of other food stufs like ghee, oil etc., is growing especially in large towns and cities and in view of the strong popular opinion in favour of legislation to check adulteration, Government consider that the time has come to take action for the prevention of adulteration of all food stuffs. This Bill has accordingly been drafted on the lines of the Madras Prevention of Adulteration Acts, 1918 Power is reserved to apply the provisions of the Bill in large Municipalities and other areas where adequate facilities exist for the appointment of public analysts and constant inspection of place where food stuffs are manufactured or sold.

R. O. 2.—R. P. B.—2-1920.—5000.

No. 8373 /284/1920.

DIARY No. 6081

FROM

MAJOR C. T. C. PLOWDEN, I. A.,
FIRST ASSISTANT TO THE RESIDENT IN MYSORE.

19 -13
Legis
FILE No. 27-17
SERIAL No. 10

To

The Chief Secretary to the Government of
His Highness the Maharaja of Mysore

Dated Bangalore, 22nd September *19* 20.

SIR,

With reference to your letter No. Pol. 328, dated the 11th September 1920, forwarding a copy of the Prevention of Adulteration Bill, I am directed to say that the Hon'ble the Resident sees no prima facie objection to the Bill being laid before the Legislative Council.

I have the honour to be,
Sir,
Your most obedient servant,

FIRST ASSISTANT RESIDENT.

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

DEWAN'S OFFICE.
Recd. on NOV 10 1920
Reg. No. 3593

Submitted with the forms for the formal sanction of the Dewan for the introduction of the rule to prevent the adulteration ~~of~~ ~~foodstuffs~~ Misc Bill is included in the agenda for the meeting of the 22nd inst.

8/11

Submitted for favour of signature

D. M. 8/11

III Member

Submitted for favour of signature

D. Mahadevaya

OFFICE OF THE DEWAN OF MYSORE.

Dated 12th Nov 1920

Mr. Mir Hamza Hussain, B.A., Member of the Mysore Legislative Council, is hereby permitted to introduce a bill to prevent the adulteration of food stuffs

.....

.....

.....at a meeting of the said Council, subject to the rules for the time being in force under the Mysore Legislative Council Regulation, No. I of 1907.

12/11/20

Dewan of Mysore.

Office of the Third Member of Council
Bangalore

Dated 8th Nov 1920

To Rajasevadhurina
Sirdar Dr. Krantaraj Urs, B.A., C.S.I.
Dewan of Mysore.

SIR,

I beg to request your sanction in writing under Section 12 of Regulation I of 1907, for introducing a bill to prevent the adulteration of food stuffs

at a meeting of the Mysore Legislative Council.

I have the honor to be,
Sir,
Your most obedient servant,

Member.

G. R. S. VI—s-III/13]

DRAFT

SUBJECT .....

.....

.....

Section.
File No.
Serial No.

No. 224 L e Enc 2

Diary No. of letter replied to.....

GENERAL AND REVENUE SECRETARIAT,

( )

the.....*191*

Date of issue 27-1-20

Signed by Mr. P. Mahadevappa

NOTIFICATION.

Under Rule 31/32 of the Rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill to prevent the adulteration of food stuffs is published for general information with the statement of objects and reasons.

By Order,

D. 24/1

Secretary, Mysore Legislative Council.

(Here print the accompanying Bill with the statement of objects and reasons)

Notification No. 224—*L. C., dated* 27*th November* 1920.

Under Rule 31 of the Rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill to prevent the adulteration of Food Stuffs, is published for general information with the statement of objects and reasons.

By Order,

P. MAHADEVAYYA,

Secy., Mysore Legis. Council.

The Mysore Prevention of Adulteration Bill.

WHEREAS it is expedient, in the interests of the public health, to prevent the adulteration of food: His Highness the Maharaja is pleased to enact as follows:— Pream

(1) This Regulation may be called the Mysore Prevention of Adulteration Regulation 192 Short t and ex

(2) This section extends to the whole of Mysore; the rest of the Regulation shall extend only to such local areas as the Government may by notification in the Official Gazette direct, and in respect either of all food or such as the Government may specify in the notification; and, if the Government so direct, only for the duration of any market, fair or festival or other large assembly of people.

Provided that such notification shall be made only after the local authority or authorities concerned have had an opportunity of expressing an opinion as to the necessity for such extension.

2. In this Regulation unless there is something repugnant in the subject or context: Interp tion cl

'food' includes every article (other than drugs or water) used by man for food or drink, and all material used or admixed in the composition or preparation of such article and shall also include flavouring matter and condiments;

'butter' and 'cheese' mean respectively butter and cheese made exclusively from milk or cream or both with or without the addition of salt or other innocuous preservative, or of innocuous colouring matter;

'ghee' means ghee prepared exclusively from butter made from cow's or buffalo's milk or cream or both;

'prescribed' means prescribed by rules made under this Regulation

public analyst' means any person appointed by or with the approval of the Government to exercise the powers of a public analyst under this Regulation;

'local executive officer' means, in any municipality the President or Chairman of the Municipal Council; and in or for other local areas, the President of the Taluk Board, or if there is no Taluk Board the President of the District Board, or if there is no Taluk or District Board, such public servant as may be designated by the Government for the exercise of the functions of a local executive officer under this Regulation.

3. (1) The local executive officer may delegate his powers and duties under this Regulation to such persons and in such manner as may be prescribed.

(2) Every person to whom powers have been delegated under this section shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

4. (1) The local authority having control over any local area to which any provisions of this Regulation may be extended may, subject to the approval of Government, appoint a public analyst for such area.

(2) When no public analyst has been appointed under subsection (1), the Government may appoint one for any one or more areas to which they have extended the provisions of this Regulation, and if local authorities have been constituted for such areas, may require such authorities to defray the whole or in part and in such proportions as the Government may determine, the expenses of and connected with the appointment of the analyst and of executing this Regulation.

(iii) where any innocuous material has been added or admixed to the article of the food sold is not up to the standard of purity prescribed by Government and before the sale the vendor has clearly brought the fact to the notice of the purchaser either by means of a label on or with the food or in such other manner as the Government may by rule framed under section 20 of this Regulation, prescribe or

(iv) where the food is the subject of a patent in force and is supplied in the state required by the specification thereof.

(2) In every prosecution for an offence against this section the court may presume that any food found in the possession of a person, who is in the habit of manufacturing like articles of food, has been manufactured for sale.

6. (1) In every prosecution for an offence against the last preceding section, it shall be no defence to allege merely that the vendor was ignorant of the nature, substance or quality of the food sold by him or that the purchaser having bought only for analysis was not prejudiced by the sale.

Provided that the vendor shall not be deemed to have committed an offence under section 5, if he proves that the food was purchased by him as the same in nature, substance and quality as that demanded by the purchaser and with a written warranty to the effect that it was of such nature, substance and quality, that he had no reason to believe at the time when he sold the same that the food was not of such nature, substance or quality, and that he sold it in the same state as that in which he purchased it.

(2) Where an employer is charged with an offence under this Regulation, he shall be entitled on application duly made by him to have any other person whom he charges as the actual offender brought before the court at the time appointed for the hearing, and if, after the commission of the offence has been proved, the employer proves to the satisfaction of the court that he used due deligence to enforce the execution of this Regulation and that the said other person committed the offence without his knowledge, consent or connivance, the said other person shall be convicted and the employer shall be acquitted.

When any article of food seized under section 9 appears to the local executive officer to be adulterated or other than what it purports or is represented to be, he shall forthwith send a sample of such article to the public analyst.

Articles of food or samples thereof, utensils, or vessels seized under section 9, shall, as soon as possible, be produced before a magistrate

Provided that where a sample of an article has been sent to the public analyst the article or sample thereof may be produced before the magistrate after receipt of the public analyst's certificate.

Whether or not complaint is laid before the magistrate of any offence under the Indian Penal Code or under this Regulation, if it appears to the magistrate on taking such evidence as he thinks necessary that any such article is adulterated or other than what it purports or is represented to be, or any such utensil or vessel is of such kind or in such state as is described in section 9 he may order the same

(*a*) to be forfeited to the local authority, or

(*b*) to be destroyed at the charge of the owner or person in whose possession it was at the time of seizure in such manner as to prevent the same being again exposed or hawked about for sale or used for human food or for the manufacture or preparation of or for containing any such article as aforesaid.

Any purchaser of any article of food shall be entitled, if a public analyst has been appointed for the area within which such article is purchased, on payment of such fees as may be prescribed by the authority appointing the analyst, to have such article analysed by such public analyst and to receive from him a certificate of the result of his analysis.

Before submitting such article to be analysed as aforesaid the purchaser shall notify to the seller his intention to have it so analysed ; and the public analyst on receiving such article for analysis shall devide it into three parts, of which one is to be analysed, another to be retained by him in order to be returned with his certificate and the third to be delivered on demand to the seller ; provided that each part other than the part analysed, shall be marked and sealed or fastened up in such manner as its nature permits.

The local executive officer may purchase a sample of any article of food from any person exposing such article for sale or from any person who is in the course of delivering or preparing to deliver it to a purchaser or consignee, and may submit it to be analysed by the public analyst appointed for the area within which such sample has been procured.

Every public analyst to whom a sample has been submitted under this Regulation shall deliver to the person so submitting it a certificate in the form prescribed in the schedule to this Regulation, or to the like effect, specifying the result of his analysis.

Any document purporting to be such certificate signed by a public analyst may be used as evidence of the facts stated therein in any proceedings under this Regulation or under sections 272 to 276 of the Indian Penal Code.

Provided that any court before which a case under this Regulation may be pending, whether exercising original, appellate or revisional jurisdiction, may in its discretion, at the request either of the accused or of the complainant, cause any article of food to be sent for analysis to the Chemical Examiner to Government or to any public analyst designated for the purpose by Government, who shall thereupon analyse the same and report the result of such analysis to the said court and the expense of such analysis shall be paid by the accused or the complainant, as the court may by order direct.

Third class magistrates shall not try any offence under this Regulation unless they have been generally or specially empowered in this behalf by Government.

No prosecution under this Regulation shall be instituted except on the complaint of the purchaser or with the consent in writing of the local executive officer.

No prosecution under this Regulation shall be commenced after the expiry of three months after the commission of the offence.

facture or preparation for sale, the exposure for sale, or hawking about, or the sale of articles of food, which are adulterated or other than what they purport or are represented to be and the inspection and the regulation of places in which such articles are kept, stored, packed, cleansed, manufactured, prepared or exposed for sale, hawked about or sold.

22. The provisions of sections 2 to 21 of this Regulation shall be read as supplemental to the Regulation under which the local authority concerned is constituted.

A Bill further to amend the Mysore Municipal Regulation, VI of 1906.

Whereas it is expedient further to amend the Mysore Municipa. Regulation, 1906; His Highness the Maharaja is pleased to enact as follows :—

Amendment of S. 15.

1. In clause (*c*) of sub-section (1) of Section 15 of the Regulation, after the words " who is a " the following words shall be inserted :—

" Councillor at the date of election or a "

Amendment of S. 26.

2. (1) In paragraph (*a*) of sub-section (14) of Section 26 of the Regulation, for the words " The Executive Engineer, Educational Inspector and the Civil Surgeon in a district ", the words " The Executive Engineer, Educational Inspector and the Health Officer a district or the District Medical Officer " shall be substituted.

(2) In paragraph (*b*) of the same sub-section for the words Civil Surgeon ", the words " the District Medical Officer " shall be substituted.

(3) In the explanation at the end of Section 26, for the words Civil Surgeon " the words " the District Medical Officer " shall be substituted.

Amendment of S. 31.

3. In Section 31, for the word " one-third " after the words shall not exceed " the word " one-half " shall be substituted.

Provided that any funds granted to the Municipal Council by the Government for economic work shall be applied exclusively for such work and in accordance with such instructions as the Government may lay down either generally or specifically in this behalf."

7. At the end of Section 53 A, after the word "Regulation," the words "or for the purpose mentioned in clause (*bb*) of Section 56" shall be added.

8. The following new clause shall be added after clause (*b*) under Section 56 of the Regulation

"(bb) Constructing for the habitation of the poor suitable sanitary houses.

9. After Section 91 and under the heading "(2) powers to regulate buildings, etc., the following new section shall be inserted as Section 91 A, namely:—

"91 A. (1) Where the term prescribed or extended, as the case may be, under any bye-law framed by a Municipal Council in this behalf for the construction of a building on a vacant land has elapsed, and no substantial progress has been made in the construction of the building according to the approved plan by the grantee, purchaser or transferee of the site it shall be competent for the Municipal Council to resume the site with any building existing thereon after giving the owner of the land, or if the owner cannot be found or ascertained, the person in possession, such notice as the Municipal Council may fix in this behalf, and to dispose of the same by public auction or otherwise for building purposes, after publication of a notice to that effect in the official Gazette not less than three months prior to the date fixed for the sale. On such resumption the land, together with the building, if any, thereon, shall vest in the Municipal Council free of all encumbrances (excepting those if any, in favour of Government) created by the owner or any person claiming from him, subject, however, to the proviso that such owner or person claiming from him, shall be entitled to payment from the Municipal Funds of the amount realised by the Municipal Council from the disposal, less any charges incurred for such disposal and resumption.

Provided that where the vacant land had been alienated by the Municipal Council prior to 1st January 1921, the Municipal Council shall not take action under this section unless three years shall have elapsed from the date fixed for the completion of the buildi-

and may for this purpose prescribe the plan and design to be adopted and the nature and quality of the materials to be used for such building.

Provided that the provisions of this section shall be enforceable only in such areas as may be notified by the Government in the official Gazette from time to time."

11. After Section 137 the following new section shall be inserted as Section 137-A :—

"137-A. (1) No person shall newly establish in any premises any factory, workshop or work-place in which it is intended that steam, water, electrical or other mechanical power shall be employed, without the previous written permission of the President.

(2) The President may refuse to give such permission, if he be of opinion that the establishment of such factory, workshop or work-place in the proposed position is objectionable by reason of the density of the population in the neighbourhood thereof, or will be a nuisance to the inhabitants of the neighbourhood or in any other manner, contravenes the terms of any bye-laws framed in this behalf."

12. After Section 138 the following new section shall be inserted

"138-A. (1) No person shall without a license granted by the President use or employ in any factory or any other place, any siren, whistle or trumpet operated by steam, mechanical power or electricity for the purpose of summoning or dismissing workmen or persons employed.

Whoever uses or employes any such siren, whistle or trumpet as aforesaid without a license or in contravention of any of the conditions of such license shall be punished with fine which may extend to fifty rupees."

NOTES ON CLAUSES.

Clause 1.—This is intended to disqualify persons who are already Municipal Councillors from standing for election to the Council without resigning their seats on the Council.

Clause 2.—This makes only a change in the nomenclature so as to be in conformity with the current designation of the District Sanitary officers.

Clause 3.—Under the provisions of Section 31 the number of persons not being Councillors who can be appointed on any Committee should not exceed one-third the number on such Committee. This proportion is proposed to be increased to one half so as to provide for a larger association in Municipal Administration (especially in connection with economic work) of earnest and enthusiastic workers outside the Municipal Council.

Clause 4.—*Sub-clauses* (1), (2) *and* (3).—These sub-clauses are intended to provide for greater control over hotel-keepers, bakers etc., in the interests of public health by providing for the framing of bye-laws to regulate the grant of licenses for the establishment of hotels, etc. Provision is also made generally for the regulation of the grant of licenses by the framing of bye-laws

Section.
File No.
Serial No.

No. 934-540 L.C

OFFICIAL MEMORANDUM.

To

.....

Member, Mysore Legislative Council.

A meeting of the select Committee

to consider the bill.... to prevent the adulteration of food stuffs

.....

.....

will be held in the... Chambers of the Hon'ble member of Council, Public Offices Buildings, Bangalore

at... 8.30 A.M. on... Saturday

the... 23rd April 1921

List of enclosures.

Copied by.....

Examined by.....

Notification No. 224—*L. C., dated* 27*th November* 1920.

Under Rule 31 of the Rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill to prevent the adulteration of Food Stuffs, is published for general information with the statement of objects and reasons.

By Order,

P. MAHADEVAYYA,

Secy., Mysore Legis. Council.

The Mysore Prevention of Adulteration Bill.

WHEREAS it is expedient, in the interests of the public health, to prevent the adulteration of food: His Highness the Maharaja is pleased to enact as follows :—

1. (1) This Regulation may be called the Mysore Prevention of Adulteration Regulation 192

(2) This section extends to the whole of Mysore; the rest of the Regulation shall extend only to such local areas as the Government may by notification in the Official Gazette direct, and in respect either of all food or such as the Government may specify in the notification; and, if the Government so direct, only for the duration of any market, fair or festival or other large assembly of people.

Provided that such notification shall be made only after the local authority or authorities concerned have had an opportunity of expressing an opinion as to the necessity for such extension

2. In this Regulation unless there is something repugnant in the subject or context

'food includes every article (other than drugs or water) used by man for food or drink, and all material used or admixed in the composition or preparation of such article and shall also include flavouring matter and condiments

'butter' and 'cheese' mean respectively butter and cheese made exclusively from milk or cream or both with or without the addition of salt or other innocuous preservative, or of innocuous colouring matter;

'ghee' means ghee prepared exclusively from butter made from cow's or buffalo's milk or cream or both;

'prescribed' means prescribed by rules made under this Regulation;

'public analyst' means any person appointed by or with the approval of the Government to exercise the powers of a public analyst under this Regulation;

'local executive officer' means, in any municipality the President or Chairman of the Municipal Council; and in or for other local areas, the President of the Taluk Board, or if there is no Taluk Board the President of the District Board, or if there is no Taluk or District Board, such public servant as may be designated by the Government for the exercise of the functions of a local executive officer under this Regulation.

3. (1) The local executive officer may delegate his powers and duties under this Regulation to such persons and in such manner as may be prescribed.

(2) Every person to whom powers have been delegated under this section shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

4. (1) The local authority having control over any local area to which any provisions of this Regulation may be extended may, subject to the approval of Government, appoint a public analyst for such area.

(2) When no public analyst has been appointed under subsection (1), the Government may appoint one for any one or more areas to which they have extended the provisions of this Regulation, and if local authorities have been constituted for such areas, may require such authorities to defray the whole or in part and in such proportions as the Government may determine, the expenses of and connected with the appointment of the analyst and of executing this Regulation.

(*iii*) where any innocuous material has been added or admixed or the article of the food sold is not up to the standard of purity prescribed by Government and before the sale the vendor has clearly brought the fact to the notice of the purchaser either by means of a label on or with the food or in such other manner as the Government may, by rule framed under section 20 of this Regulation, prescribe

(*iv*) where the food is the subject of a patent in force and is supplied in the state required by the specification thereof.

(2) In every prosecution for an offence against this section, the court may presume that any food found in the possession of a person, who is in the habit of manufacturing like articles of food, has been manufactured for sale.

6. (1) In every prosecution for an offence against the last preceding section, it shall be no defence to allege merely that the vendor was ignorant of the nature, substance or quality of the food sold by him or that the purchaser having bought only for analysis was not prejudiced by the sale.

Provided that the vendor shall not be deemed to have committed an offence under section 5 if he proves that the food was purchased by him as the same in nature, substance and quality as that demanded by the purchaser and with a written warranty to the effect that it was of such nature, substance and quality, that he had no reason to believe at the time when he sold the same that the food was not of such nature, substance or quality, and that he sold it in the same state as that in which he purchased it.

11. When any article of food seized under section 9 appears to the local executive officer to be adulterated or other than what it purports or is represented to be, he shall forthwith send a sample of such article to the public analyst.

12. (1) Articles of food or samples thereof, utensils, or vessels seized under section 9, shall, as soon as possible, be produced before a magistrate

Provided that where a sample of an article has been sent to the public analyst the article or sample thereof may be produced before the magistrate after receipt of the public analyst's certificate.

(2) Whether or not complaint is laid before the magistrate of any offence under the Indian Penal Code or under this Regulation, if it appears to the magistrate on taking such evidence as he thinks necessary that any such article is adulterated or other than what it purports or is represented to be, or any such utensil or vessel is of such kind or in such state as is described in section 9 he may order the same

(*a*) to be forfeited to the local authority, or

(*b*) to be destroyed at the charge of the owner or person in whose possession it was at the time of seizure in such manner as to prevent the same being again exposed or hawked about for sale or used for human food or for the manufacture or preparation of or for containing any such article as aforesaid.

13. (1) Any purchaser of any article of food shall be entitled, if a public analyst has been appointed for the area within which such article is purchased, on payment of such fees as may be prescribed by the authority appointing the analyst, to have such article analysed by such public analyst and to receive from him a certificate of the result of his analysis.

(2) Before submitting such article to be analysed as aforesaid the purchaser shall notify to the seller his intention to have it so analysed; and the public analyst on receiving such article for analysis shall divide it into three parts, of which one is to be analysed, another to be retained by him in order to be returned with his certificate and the third to be delivered on demand to the seller provided that each part other than the part analysed, shall be marked and sealed or fastened up in such manner as its nature permits

14. (1) The local executive officer may purchase a sample of any article of food from any person exposing such article for sale or from any person who is in the course of delivering or preparing to deliver it to a purchaser or consignee, and may submit it to be analysed by the public analyst appointed for the area within which such sample has been procured.

(2) Every such person who refuses to sell such sample to the local executive officer or any person duly authorized by him at the price at which he usually sells the article shall be punished with fine which may extend to Rs. 100.

16. (1) Every public analyst to whom a sample has been submitted under this Regulation shall deliver to the person so submitting it a certificate in the form prescribed in the schedule to this Regulation, or to the like effect, specifying the result of his analysis.

(2) Any document purporting to be such certificate signed by a public analyst may be used as evidence of the facts stated therein in any proceedings under this Regulation or under sections 272 to 276 of the Indian Penal Code.

Provided that any court before which a case under this Regulation may be pending, whether exercising original, appellate or revisional jurisdiction, may in its discretion, at the request either of the accused or of the complainant, cause any article of food to be sent for analysis to the Chemical Examiner to Government or to any public analyst designated for the purpose by Government, who shall thereupon analyse the same and report the result of such analysis to the said court: and the expense of such analysis shall be paid by the accused or the complainant, as the court may by order direct.

17. Third class magistrates shall not try any offence under this Regulation unless they have been generally or specially empowered in this behalf by Government.

18. No prosecution under this Regulation shall be instituted except on the complaint of the purchaser or with the consent in writing of the local executive officer.

19. No prosecution under this Regulation shall be commenced after the expiry of three months after the commission of the offence.

20. Government may, after previous publication, make rules consistent with this Regulation for the whole or any part of the area to which this Regulation may have been extended—

(*a*) prescribing the classes or qualifications of persons to whom and the conditions on which the local executive officer may under section 3 delegate his powers

(*b*) determining the limits within which the local executive officer may exercise his powers whether such limits are within or without the local area in respect of which he holds any public office

(*c*) prescribing in the interests of the public health the state in which utensils and vessels used for manufacturing, preparing, or containing any food intended for sale shall be kept, and prohibiting the use of utensils and vessels made, in whole or in part, of materials likely to injure such food;

(*d*) prescribing the manner in which notice of any addition, admixture or deficiency shall be given to the purchaser of any article of food;

(*e*) prescribing standards of purity for milk, cream, butter, ghee and cheese, and determining what deficiency in any of the normal constituents of these articles or what addition of any extraneous matter or proportion of water in any of the same or any preparation of the same shall for the purposes of this Regulation raise a presumption until the contrary is proved that the milk, cream, butter, ghee or cheese is not genuine, or is injurious to health;

And providing for fines not exceeding rupees one hundred in the case of a first offence and rupees five hundred for every subsequent offence by way of penalty for breach of rules made under clauses (*c*) and (*d*).

21. Every local authority exercising control over any local area to which this Regulation has been extended may, under the provisions respecting the making of bye-laws of the Regulation under which such local authority is established, make bye-laws not inconsistent with this Regulation or rules made under the last preceding section for all the purposes of this Regulation and in particular, without prejudice to the generality of the power hereby given, for the prevention of the manu-

facture or preparation for sale, the exposure for sale, or hawking about, or the sale of articles of food, which are adulterated or other than what they purport or are represented to be and the inspection and the regulation of places in which such articles are kept, stored, packed, cleansed, manufactured, prepared or exposed for sale, hawked about or sold.

22. The provisions of sections 2 to 21 of this Regulation shall be read as supplemental to the Regulation under which the local authority concerned is constituted.

A BILL FURTHER TO AMEND THE MYSORE MUNICIPAL REGULATION, VI OF 1906.

Whereas it is expedient further to amend the Mysore Municipal Regulation, 1906; His Highness the Maharaja is pleased to enact as follows :—

Amendment of S. 15

1. In clause (*e*) of sub-section (1) of Section 15 of the Regulation, after the words " who is a " the following words shall be inserted :—

" Councillor at the date of election or a "

Amendment of S. 26.

2. (1) In paragraph (*a*) of sub-section (14) of Section 26 of the Regulation, for the words " The Executive Engineer, Educational Inspector and the Civil Surgeon in a district ", the words " The Executive Engineer, Educational Inspector and the Health Officer in a district or the District Medical Officer " shall be substituted.

(2) In paragraph (*b*) of the same sub-section for the words " Civil Surgeon ", the words " the District Medical Officer " shall be substituted.

(3) In the explanation at the end of Section 26, for the words " Civil Surgeon " the words " the District Medical Officer " shall be substituted

Amendment of S. 31.

3. In Section 31, for the word " one-third " after the words " shall not exceed " the word " one-half " shall be substituted.

Amendment of S. 48.

4. (1) After sub-clause (ii) of Clause (*b*) under sub-section (1 of Section 48, the following new sub-clause shall be inserted :—

" (iiA) as a hotel, bakery, sweetmeat shop or otherwise for the preparation, manufacture or sale of articles intended for human food or drink."

(2) In sub-clause (iii) of Clause (*b*) under the same sub-section the following shall be inserted :

' or for any other purpose for which the taking out of a license is or may be prescribed '

(3) Clause (*c*) under the same sub-section shall be cancelled.

(4) In sub-section (1) of the same section the following shall be inserted between clauses (*o*) and (*p*) :—

" Provided that any funds granted to the Municipal Council by the Government for economic work shall be applied exclusively for such work and in accordance with such instructions as the Government may lay down either generally or specifically in this behalf "

7. At the end of Section 53 A, after the word " Regulation," the words " or for the purpose mentioned in clause (*bb*) of Section 56 " shall be added.

8. The following new clause shall be added after clause (*b*) under Section 56 of the Regulation :—

" (bb) Constructing for the habitation of the poor suitable sanitary houses."

9. After Section 91 and under the heading " (2) powers to regulate buildings, etc.," the following new section shall be inserted as Section 91 A. namely:—

" 91 A. (1) Where the term prescribed or extended, as the case may be, under any bye-law framed by a Municipal Council in this behalf for the construction of a building on a vacant land has elapsed, and no substantial progress has been made in the construction of the building, according to the approved plan by the grantee, purchaser or transferee of the site it shall be competent for the Municipal Council to resume the site with any building existing thereon after giving the owner of the land, or if the owner cannot be found or ascertained, the person in possession, such notice as the Municipal Council may fix in this behalf, and to dispose of the same by public auction or otherwise for building purposes, after publication of a notice to that effect in the official Gazette not less than three months prior to the date fixed for the sale. On such resumption the land together with the building, if any, thereon, shall vest in the Municipal Council free of all encumbrances (excepting those if any in favour of Government) created by the owner or any person claimimg from him, subject however, to the proviso that such owner or person claiming from him, shall be entitled to payment from the Municipal Funds of the amount realised by the Municipal Council from the disposal, less any charges incurred for such disposal and resumption.

and may for this purpose prescribe the plan and design to be adopted and the nature and quality of the materials to be used for such building.

Provided that the provisions of this section shall be enforceable only in such areas as may be notified by the Government in the official Gazette from time to time."

11. After Section 137 the following new section shall be inserted as Section 137-A :—

"137-A. (1) No person shall newly establish in any premises any factory, workshop or work-place in which it is intended that steam, water, electrical or other mechanical power shall be employed, without the previous written permission of the President.

(2) The President may refuse to give such permission, if he be of opinion that the establishment of such factory, workshop or work-place in the proposed position is objectionable by reason of the density of the population in the neighbourhood thereof, or will be a nuisance to the inhabitants of the neighbourhood or in any other manner, contravenes the terms of any bye-laws framed in this behalf."

12. After Section 138 the following new section shall be inserted :—

"138-A. (1) No person shall without a license granted by the President use or employ in any factory or any other place, any siren, whistle or trumpet operated by steam, mechanical power or electricity for the purpose of summoning or dismissing workmen or persons employed.

Whoever uses or employes any such siren, whistle or trumpet as aforesaid without a license or in contravention of any of the conditions of such license shall be punished with fine which may extend to fifty rupees."

13. After Section 165 of the Regulation the following new section shall be added as Section 165-A :—

"165 A. (1) The Government may empower any Municipal Council, or its President, Vice-President or Chief Officer to accept from any person, against whom, a reasonable suspicion exists that he has committed an offence against this Regulation or any rule or bye-law thereunder, a sum of money by way of composition for such offence

Provided that no offence which falls under any provisions of the Indian Penal Code shall be compounded otherwise than in accordance with the provisions of Section 345 of the Code of Criminal Procedure.

(2) On payment of such sum of money such person, if in custody shall be discharged and no further proceedings shall be taken against him in regard to the offence or alleged offence so compounded.

(3) Sums paid by way of composition under this section shall be credited to the Municipal Fund.

(4) The power under sub-section (1) to compound offences may be given whether generally under this Regulation and the rules and bye-laws thereunder, or particularly in regard only to individual offences of a specified class and may at any time be withdrawn by the Government.

(5) Any sum of money accepted as composition under sub-section (1) shall not exceed the amount of fine fixed for the offence in the Regulation or in any rule or bye-law thereunder or rupees fifty, whichever is less.

(6) The Government may make rules to regulate the proceedings of persons empowered to compound offences under this section.

14. In Section 180-A of the Regulation, the words "and the Sringeri Municipal Council" shall be added after the words "City Municipal Council."

Statement of Objects and Reasons.

The present Regulation having been found from experience to be defective, a number of suggestions have been received for amending the Regulation. The Bill has accordingly been prepared. The notes on clauses attached to this explain the scope and object of these amendments.

NOTES ON CLAUSES.

Clause 1.—This is intended to disqualify persons who are already Municipal Councillors from standing for election to the Council without resigning their seats on the Council.

Clause 2.—This makes only a change in the nomenclature so as to be in conformity with the current designation of the District Sanitary officers.

Clause 3.—Under the provisions of Section 31 the number of persons not being Councillors who can be appointed on any Committee should not exceed one-third the number on such Committee. This proportion is proposed to be increased to one half so as to provide for a larger association in Municipal Administration (especially in connection with economic work) of earnest and enthusiastic workers outside the Municipal Council.

Clause 4.—*Sub-clauses* (1), (2) *and* (3).—These sub-clauses are intended to provide for greater control over hotel-keepers, bakers, etc., in the interests of public health by providing for the framing of bye-laws to regulate the grant of licenses for the establishment of hotels, etc. Provision is also made generally for the regulation of the grant of licenses by the framing of bye-laws.

Sub-clause (4) *of clause* 4 *and clauses* 7 *and* 8.—Provision is made in these sub-clauses for enabling Municipal Councils to make proper arrangements for housing the poor.

Sub-clauses (5), (7) *and* (8) *of clause* 4 *and clause* 10.—Provision is made to enable Municipal Councils to frame bye-laws for insisting on the construction of rat-proof houses and shops as a safe-guard against plague infection in affected areas.

Sub-clause (9) *of clause* 4.—This is intended to enable Municipal Councils to frame bye-laws for prohibiting double riding on bicycles and such other acts as are prejudicial to public safety.

Clause 5.—This clause is intended to regulate the rights of holders of alienated villages over taxes or other items of revenue accruing within the respective areas which may be constituted into Municipalities.

Clause 6.—This is intended to ensure the expenditure of the sum allotted for economic work in Municipal areas exclusively for that purpose.

Clause 9.—It is reported that there are many building sites in the cities of Bangalore and Mysore and in other Municipal towns which have been allowed by the owners to remain vacant for a number of years. Some of these seem to have been purchased more for speculation than for purposes of building. It is necessary to put down this evil of leaving vacant sites in an uncared for and insanitary condition in the midst of well laid out extensions. It is now proposed to provide for resumption of the vacant land, if no building is constructed within the prescribed or extended time, as the case may be, sufficient notice being given of the same to the owner or occupier.

Clause 11.—The new Section 137-A is intended to regulate the establishment of flour and oil mills and factories worked by electric or other mechanical power by the side of dwelling houses and crowded localities, especially in proximity to hosptials, etc., so as to put a stop to the considerable nuisance that factories are causing to the neighbourhood.

Clause 12.—Frequent complaints have been made by the residents of Bangalore that the sirens used by the mills disturb many households in the early morning. Provision is made in the new Section 138-A for controlling the use or employment of sirens.

Clause 13.—It is considered necessary to empower Municipal Councils to compound offences against the Municipal Regulation, and the rules and bye-laws framed thereunder, in view especially of the trivial nature of many of the offences which cause unnecessary trouble to the Municipality and undesirable annoyance to innocent and perhaps ignorant offenders by the judicial proceedings taken in such cases at preser

Draft report of the Select Committee appointed to consider the Mysore Prevention of Adulteration Bill

We, the undersigned members of the Select Committee to which the Mysore Prevention of Adulteration Bill was referred have carefully considered the provisions of the Bill and have now the honour to submit the following report:-

CLAUSE 5. We recommend the omission of proviso (iii) ~~of~~ to Sub Clause (1) as it is liable to be absued by unscrupulous men in order to evade the law and as the other provisos make adequate provision for the safety of bona-fide tradesmen. Proviso (iv) may in consequence be renumbered as proviso (iii).

CLAUSE 10. The offence contemplated in the clause is obviously the unlawful removal or interference with an article secured by the local executive officer under Clause 9. In order to make this point clear we suggest the insertion of the word "unlawfully' between the words "shall" and " remove".

These alterations do not affect the main principles upon which the bill has been framed and we do not therefore consider it necessary to republish the bill as revised.

SUBJECT.....

.....

.....

Section.
File No.
Serial No.

No. 556-561 L.C

Diary No. of letter replied to.....

To

1) Sir C. Doraswamy Iyer, Esq., B.A., B.L.
2) Dr. Subbarao, Esq., B.A.
3) H. Venkatarama Iyer, Esq., B.A., B.L.
4) Diwan Bahadur Dr. D. Puttanna Chetty, C.I.E.
5) Rao Bahadur Dr. C. Ranga Iyengar, B.A.
6) Dr. H. B. Nagaraja Rao

Member, Mysore Legislative Council.

GENERAL AND REVENUE SECRETARIAT,

( )

, the.....*191*

SIR,

Date of issue.....9-11-27.....

Signed by.....

I am directed to forward herewith a copy of the draft report of the Select Committee on the Bill.....to prevent the adulteration of food stuffs.....

.....

.....

~~with a copy of the Bill as amended by the Committee~~ and to request you to kindly return the same with your approval or other remarks, if any.

I have, etc.,

Secretary, Mysore Legislative Council.

Draft report of the Select Committee appointed to consider the Mysore Prevention of Adulteration Bill.

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These alterations do not affect the main principles upon which the Bill has been framed and we do not therefore consider it necessary to republish the bill as revised.

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From

P. Mahadevayya, Esq., B.A., B.L.,

Secretary, Mysore, Legislative Council.

Bangalore.

To Rajasabhabhushana
Dewan Bahadur K.P.Puttanna Chetty, Esq., C.I.E.,
Member, Mysore Legislative Council.

S i r,

I am directed to forward herewith a copy of the draft report of the Select Committee on the Bill to prevent the adulteration of food stuffs and to request you to kindly return the same with your approval or other remarks, if any.

I have the honour to be,

Sir,

Your most obedient servant.

Mahadevayya

Secretary, Mysore Legislative Council.

Draft report of the Select Committee appointed to consider the Mysore Prevention of Adulteration Bill.

We, the undersigned members of the Select Committee to which the Mysore Prevention of Adulteration Bill was referred have carefully considered the provisions of the Bill and have now the honour to submit the following report:--

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Clause 10. The offence contemplated in the clause is obviously the unlawful removal or intereference with an article secured by the local executive officer under clause 9. In order to make this point clear we suggest the insertion of the word "unlawfully" between the word "shall"and "remove".

These alterations do not affect the main principles upon which the Bill has been framed and we do not therefore consider it necessary to republish the bill as revised.

Dear Mr. Mahadevayya,

I agree to the Report of the Select Committee on the Mysore-Prevention of Adulteration of Food-Stuffs' Bill, subject to the minute of dissent appended hereto.

Yours sincerely,

K Ramaswamy Jr

P. Mahadevayya Esq., B.A., B.L.,
Secretary, Mysore Legislative
Council, BANGALORE.

CHIEF
PROTECTION
1 JUN 19

I regret I am unable to agree with the Report of the Select Committee in its entirety. I cannot see my way to delete Proviso (iii) to Clause 5 (1) of the Bill. The object of the Bill as I understand it is to prevent adulterati of foodstuffs by legislation. Though there is no definition of adulteration in the Bill itself, it appears to m. ıat what is primarily aimed at is to check the sale of food or drink which in the ordinary acceptation of the term will be regarded as noxious unwholesome deleterious injurious to health' or unfit for human consumption' in fact the prohibition of the sale of foodstuffs which are not genuine is the main idea underlying the provisions of the Bill. There can no doubt be an admixture without rendering the food or drink noxious but under the general penal provisions now in force the sale of such an article is not punishable.

2. Under special acts, such as the Municipal Regulation No.V11 of 1906, sale of foodstuffs which are other than what are demanded or represented to be, - for example the sale as Ghee of what is not Ghee pure and simple - is punishable; but if the admixture is of an innocuous nature and is clearly and distinctly brought to the notice of the buyer by means of a label or some other kind of public description, the buyer is not deceived, and the Vendor is not deemed to have committed an offence. The same principle, in a slightly modified form underlies the sale of imported foodstuffs. The seller is not liable if he is armed with a warranty from his Vendor and if he in his turn, sells the article in the same condition in which it was when he himself purchased it. The object being not only to protect buyers and consumers against fraudulent sales of adulterated foodstuffs, but also bonafide honest purveyors from being charged with Criminal offences.

3. In the Bill under consideration, so far as milk, ghee butter and certain other substances are concerned, the sale of

of them below a certain standard of purity prescribed by Government is made punishable under Clause 5 (1) but at the same time a protection of the kind above referred to was provided for both to the buyers and sellers. The Report of the Select Committee on the other hand, aims at absolute prohibition of the sale of these articles should they happen to be below the standard of purity prescribed by Government; in other words though the article sold is not deleterious, though no deception or misrepresentation is practised or made by the Vendor and though the Vendor takes care to notify to the purchaser that the article innocuous as it is, is below the standard of prescribed purity, yet it is proposed in the Select Committee's draft report to make the sale of such an article punishable. The importer of Foreign foodstuff is on a better footing. The Proviso to Clause (6) gives him protection as Sec.142 of the Mysore Municipal Regulation does, if the warranty of the foreign merchant discloses that it is of the nature, substance and quality demanded by the purchaser though it may be below the standard prescribed by our Government; but the local product, though of the same quality as that demanded by the purchaser is not saleable with impunity, if it should be below the Government standard. I fail to see the rationale of this distinction. In both the cases the transactions are bonafide and there is no deception practised on the purchaser. In both the cases the stuff sold is not deleterious. In the case of the imported stuff the representation to the buyer is made on the warranty of the foreign merchant: In the case of the local stuff the representation is made by the Vendor of his own knowledge and yet there is protection in the former case & not in the latter. The proposal I am afraid, will seriously handicap bonafide trade in milk and ghee. I am not, in these circumstances in favour of the deletion of Sub Clause (iii) of Clause 5 (1) as proposed.

We, the undersigned members of the Select Committee to which the Mysore Prevention of Adulteration Bill was referred have carefully considered the provisions of the Bill and have now the honour to submit the following report.

Clause 5. We recommend the omission of proviso (iii) to sub Clause (1) as it is liable to be misused by unscrupulous men in order to evade the law and as the other provisos make adequate provision for the safety of bona

tradesmen. Proviso (iv) may in consequence be renumbered as proviso (iii).

Clause 10. The offence contemplated in the clause is obviously the unlawful removal or interference with an article secured by the local executive officer under clause 9. In order to make this point clear we suggest the insertion of the word "unlawfully" between the word

Section

File No.

Serial No

No.

To

H. B. Muthuraja Iyengar Esq.,
I.R.C.S.
~~Officer~~ Member, Mysore City,

Sir,

~~I am~~ As desired by you I am directed to forward herewith a copy of letter No 556—561/K C dt 24-5-1921 together with a copy of the draft Report of the Select Committee on the Amendment of

adulteration Bill and

to request that the same

may be kindly returned

~~at once~~ very early ~~date~~ with

your approval or cor

if any.

I have e

Secy Legn

M.
D. S

Letter No. 556-561/L.C. dated the 24th May 1921 from the Secretary, Mysore Legislative Council to the Members, Mysore Legislative Council.

I am directed to forward herewith a copy of the draft report of the Select Committee on the Bill to prevent the adulteration of Food stuffs and to request you to kindly return the same with your approval or other remarks, if any.

" C O P Y "

D M Chadwaya

cretary, Mysore Legislative Council.

BANGALORE.

Sir,

I have the honour to return, duly approved, the enclosed copy of the draft report of the Select Committee on the prevention of Adulteration Bill forwarded with your letter No.1/L.C. dated 7th inst.

I have the honour to be,

Sir,

Your most obedient servant,

L.B. Bryson

Offg. Senior Sur

We, the undersigned members of the Select Committee to which the Mysore Prevention of Adulteration Bill was referred have carefully considered the provisions of the Bill and have now the honour to submit the following report:-

Clause 5. We recommend the omission of proviso (iii) to sub Clause (1) as it is liable to be abused by unscruplous men in order to evade the law and as the other provisos make adequate provision for the safety of bona fide tradesmen. Proviso (iv) may in consequence be renumbered as proviso (iii).

Clause 10. The offence contemplated in the clause is obviously the unlawful removal or intereference with an article secured by the local executive officer under clause 9. In order to make this point clear we suggest the insertion of the word "unlawfully" between the words 'shall"and "remove".

SUBJECT.....

.....

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ection. Legs
File No. 27. 7
Serial No.

Diary No. of letter replied to.....

No. 27 Legs

NOTIFICATION.

GENERAL AND REVENUE SECRETARIAT,

( )

, *the*.....*191*

Date of issue.....20/8

Signed by.....N.....

Under Rule 40 of the Rules for the conduct of business of the Mysore Legislative Council, the following Report of the Select Committee on the...Mysore Prevention of Adulteration Bill.....

is published for general information ~~with the Bill as amended by them.~~

NOTIFICATION.

No. J. 855—*Legis.* 27-17, *dated* 20*th August* 1921.

Under Rule 40 of the Rules for the conduct of business of the Mysore Legislative Council, the following Report of the Select Committee on the Mysore Prevention of Adulteration Bill is published for general information.

By Order,
P. MAHADEVAYYA,
Secretary,
Mysore Legislative Council.

Report of the Select Committee appointed to consider the Mysore Prevention of Adulteration Bill.

We, the undersigned members of the Select Committee to which the Mysore Prevention of Adulteration Bill was referred, have carefully considered the provisions of the Bill and have now the honor to submit the following report:—

Clause 5.—We recommend the omission of Proviso (iii) to sub-clause (i) as it is liable to be abused by unscrupulous men in order to evade the law and as the other provisos make adequate provision for the safety of *bona fide* tradesmen. Proviso (iv) may in consequence be renumbered as proviso (iii).

10.—The offence contemplated in the clause is obviously the *unlawful* removal or interference with an article secured by the local executive officer under clause 9. In order to make this point clear, we suggest the insertion of the word "unlawfully" between the words "shall" and "remove".

These alterations do not affect the main principles upon which the Bill has been framed and we do not therefore consider it necessary to republish the Bill as revised.

(Subject to a minute of dissent)

Mir Hamza Husein.
C. S. Doraswamy Iyer.
M. Subbaiya.
H. Venkataramaiya.
Dewan Bahadur K. P. Puttanna Chetty.
M. C. Rangaiengar.

Minute of dissent by Mr. C. S. Doraswamy Iyer.

I regret I am unable to agree with the Report of the Select Committee in its entirety I cannot see my way to delete proviso (iii) to clause 5 (i) of the Bill. The object of the Bill, as I understand it, is to prevent adulteration of foodstuffs by legislation. Though there is no definition of adulteration in the Bill itself, it appears to me that what is primarily aimed at is to check the sale of food or drink which in the ordinary acceptation of the term will be regarded as 'noxious', 'unwholesome', deleterious', injurious to health' or, 'unfit for human consumption' In fact, the prohibition of the sale of foodstuffs which are not genuine is the main idea underlying the provisions of the Bill. There can no doubt be an admixture without rendering the food or drink noxious, but under the general penal provisions now in force, the sale of such an article is not punishable.

2. Under Special Acts, such as the Municipal Regulation, No. VII of 1906, sale of foodstuffs which are other than what are demanded or represented to be—for example, the sale as ghee of what is not ghee, pure and simple—is punishable; but if the admixture is of an innocuous nature and is clearly and distinctly brought to the notice of the buyer by means of a label or some other kind of public description, the buyer is not deceived, and the vendor is not deemed to have committed an offence. The same principle, in a slightly modified form, underlies the sale of imported foodstuffs. The seller is not liable if he is armed with a warranty, from his vendor and if he, in his turn, sells the article in the same condition in which it was when he himself purchased it, the object being not only to protect buyers and consumers against fraudulent sales of adulterated foodstuffs, but also *bona fide* honest purveyors from being charged with criminal offences.

3. In the Bill under consideration, so far as milk, ghee butter and certain other substances are concerned, the sale of them below a certain standard of purity prescribed by Government is made punishable under clause 5 (i), but at the same time, a protection of the kind above referred to was provided for

both to the buyers and sellers. The Report of the Select Committee, on the other hand, aims at absolute prohibition of the sale of these articles should they happen to be below the standard of purity prescribed by Government; in other words, though the article sold is not deleterious, though no deception or misrepresentation is practised or made by the vendor and though the vendor takes care to notify to the purchaser that the article innocuous as it is, is below the standard of prescribed purity, yet it is proposed in the Select Committee's draft report to make the sale of such an article punishable. The importer of foreign foodstuff is on a better footing. The proviso to clause (6) gives him protection as Sec. 142 of the Mysore Municipal Regulation does, if the warranty of the foreign merchant discloses that it is of the nature, substance and quality demanded by the purchaser though it may be below the standard prescribed by our Government; but the local product, though of the same quality as that demanded by the purchaser is not saleable with impunity, if it should be below the Government standard. I fail to see the rationale of this distinction. In both the cases, the transactions are *bona fide* and there is no deception practised on the purchaser. In both the cases, the stuff sold is not deleterious. In the case of the imported stuff, the representation to the buyer is made on the warranty of the foreign merchant; in the case of the local stuff, the representation is made by the vendor of his own knowledge and yet there is protection in the former case and not in the latter. The proposal, I am afraid, will seriously handicap *bona fide* trade in milk and ghee. I am not, in these circumstances, in favour of the deletion of sub-clause (iii) of clause 5 (i) as proposed.

Section. Legs
File No. 27-17
Serial No. 11

Proceedings of the Government of
H. H. the Maharaja of Mysore.

Order No. J 1107

Ordered that the accompanying Regulation to prevent the adulteration of food

which received the assent of His Highness the Maharaja, on the 26th day of December 1921 be published as Regulation No. IX of 1921, in the *Mysore Gazette* for general information.

Cwr 19.12

J. S. R. *Secretary to Government.*

The Compiler, *Mysore Gazette*, for publication in Part III of the Gazette, in English and Kannada and for supply of ..... spare copies in English, and ..... spare copies in Kannada, to this office, and ..... spare copies in English and ..... spare copies in Kannada to the Curator, Government Central Book Depot, Bangalore. Proofs should be sent to this office for approval before publication.

as per S O

Maharaja on the 1st
December 1921)

Notification No. 224—L. C., dated 27th November 1920.

Under Rule 31 of the Rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill to prevent the adulteration of Food Stuffs, is published for general information with the statement of objects and reasons.

By Order,

P. MAHADEVAYYA,

~~*Secy., Mysore Legis. Council.*~~

The Mysore Prevention of Adulteration ~~Bill.~~ Regulation

WHEREAS it is expedient, in the interests of the public health, to prevent the adulteration of food: His Highness the Maharaja is pleased to enact as follows :— Preamble.

1. (1) This Regulation may be called the Mysore Prevention of Adulteration Regulation 192[illegible]. Short title and extent

(2) This section extends to the whole of Mysore; the rest of the Regulation shall extend only to such local areas as the Government may by notification in the Official Gazette direct, and in respect either of all food or such as the Government may specify in the notification; and, if the Government so direct, only for the duration of any market, fair or festival or other large assembly of people.

Provided that such notification shall be made only after the local authority or authorities concerned have had an opportunity of expressing an opinion as to the necessity for such extension.

2. In this Regulation unless there is something repugnant in the subject or context: Interpretation clause

'food' includes every article (other than drugs or water) used by man for food or drink, and all material used or admixed in the composition or preparation of such article and shall also include flavouring matter and condiments;

'butter' and 'cheese mean respectively butter and cheese made exclusively from milk or cream or both with or without the addition of salt or other innocuous preservative, or of innocuous colouring matter;

'ghee' means ghee prepared exclusively from butter made from cow's or buffalo's milk or cream or both;

'prescribed' means prescribed by rules made under this Regulation;

'public analyst' means any person appointed by or with the approval of the Government to exercise the powers of a public analyst under this Regulation:

local executive officer' means, in any municipality the President or Chairman of the Municipal Council; and in or for other local areas, the President of the Taluk Board, or if there is no Taluk Board the President of the District Board, or if there is no Taluk or District Board, such public servant as may be designated by the Government for the exercise of the functions of a local executive officer under this Regulation.

3. (1) The local executive officer may delegate his powers and duties under this Regulation to such persons and in such manner as may be prescribed.

(2) Every person to whom powers have been delegated under this section shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

4. (1) The local authority having control over any local area to which any provisions of this Regulation may be extended may, subject to the approval of Government, appoint a public analyst for such area.

(2) When no public analyst has been appointed under subsection (1), the Government may appoint one for any one or more areas to which they have extended the provisions of this Regulation, and if local authorities have been constituted for such areas, may require such authorities to defray the whole or in part and in such proportions as the Government may determine, the expenses of and connected with the appointment of the analyst and of executing this Regulation.

(*iii*) where any innocuous material has been added or admixed or the article of the food sold is not up to the standard of purity prescribed by Government and before the sale the vendor has clearly brought the fact to the notice of the purchaser either by means of a label on or with the food or in such other manner as the Government may, by rule framed under section 20 of this Regulation, prescribe; or

(*iv*) where the food is the subject of a patent in force and is supplied in the state required by the specification thereof.

(2) In every prosecution for an offence against this section, the court may presume that any food found in the possession of a person who is in the habit of manufacturing like articles of food, has been manufactured for sale.

6. (1) In every prosecution for an offence against the last preceding section, it shall be no defence to allege merely that the vendor was ignorant of the nature, substance or quality of the food sold by him or that the purchaser having bought only for analysis was not prejudiced by the sale.

Provided that the vendor shall not be deemed to have committed an offence under section 5, if he proves that the food was purchased by him as the same in nature, substance and quality as that demanded by the purchaser and with a written warranty to the effect that it was of such nature, substance and quality, that he had no reason to believe at the time when he sold the same that the food was not of such nature, substance or quality, and that he sold it in the same state as that in which he purchased it.

(2) Where an employer is charged with an offence under this Regulation, he shall be entitled on application duly made by him to have any other person whom he charges as the actual offender brought before the court at the time appointed for the hearing, and if, after the commission of the offence has been proved, the employer proves to the satisfaction of the court that he used due deligence to enforce the execution of this Regulation and that the said other person committed the offence without his knowledge, consent or connivance, the said other person shall be convicted and the employer shall be acquitted.

7. (1) The local executive officer may without notice enter any place where articles of food are being manufactured or exposed for sale at any time by day or night when the exposure for sale or manufacture is being carried on and inspect the same and any utensil or vessel used for manufacturing, preparing or containing any such article.

(2) No claim shall lie against any local authority or any person for any damage or inconvenience necessarily caused by the exercise of powers under this section or by the use of any force necessary for effecting an entry into any place under this section.

(3) In any legal proceedings in respect of powers exercised under this section in which it is alleged that any food was not kept, exposed, hawked about, manufactured, prepared, stored, packed, or cleansed for sale, or was not intended for human food, the burden of proof shall lie on the party so alleging.

8. Every person who shall in any manner whatsoever prevent the local executive officer or person duly authorized by him exercising his powers under the last preceding section, shall be punished, where his act does not amount to an offence under the Indian Penal Code, with a fine which may extend to fifty rupees.

9. If any article intended for food appears to the local executive officer to be adulterated or other than what it purports or is represented to be, or if any vessel or utensil used in manufacturing, preparing or containing such article appears to violate any rule made under section 20, he may seize or carry away or secure such article, utensil or vessel in order that the same may be dealt with as hereinafter provided.

10 Every person who shall remove or in any way interfere with an article secured under the last preceding section shall be punished with fine which may extend to five hundred rupees.

11. When any article of food seized under section 9 appears to the local executive officer to be adulterated or other than what it purports or is represented to be, he shall forthwith send a sample of such article to the public analyst.

12. (1) Articles of food or samples thereof, utensils, or vessels seized under section 9, shall, as soon as possible, be produced before a magistrate;

Provided that where a sample of an article has been sent to the public analyst the article or sample thereof may be produced before the magistrate after receipt of the public analyst's certificate.

(2) Whether or not complaint is laid before the magistrate of any offence under the Indian Penal Code or under this Regulation, if it appears to the magistrate on taking such evidence as he thinks necessary that any such article is adulterated or other than what it purports or is represented to be or any such utensil or vessel is of such kind or in such state as is described in section 9 he may order the same

(*a*) to be forfeited to the local authority, or

(*b*) to be destroyed at the charge of the owner or person in whose possession it was at the time of seizure in such manner as to prevent the same being again exposed or hawked about for sale or used for human food or for the manufacture or preparation of or for containing any such article as aforesaid

16. (1) Every public analyst to whom a sample has been submitted under this Regulation shall deliver to the person so submitting it a certificate in the form prescribed in the schedule to this Regulation, or to the like effect, specifying the result of his analysis.

(2) Any document purporting to be such certificate signed by a public analyst may be used as evidence of the facts stated therein in any proceedings under this Regulation or under sections 272 to 276 of the Indian Penal Code.

Provided that any court before which a case under this Regulation may be pending, whether exercising original, appellate or revisional jurisdiction, may in its discretion, at the request either of the accused or of the complainant, cause any article of food to be sent for analysis to the Chemical Examiner to Government or to any public analyst designated for the purpose by Government, who shall thereupon analyse the same and report the result of such analysis to the said court: and the expense of such analysis shall be paid by the accused or the complainant, as the court may by order direct.

17. Third class magistrates shall not try any offence under this Regulation unless they have been generally or specially empowered in this behalf by Government.

18. No prosecution under this Regulation shall be instituted except on the complaint of the purchaser or with the consent in writing of the local executive officer.

19. No prosecution under this Regulation shall be commenced after the expiry of three months after the commission of the offence.

20. Government may, after previous publication, make rules consistent with this Regulation for the whole or any part of the area to which this Regulation may have been extended—

(*a*) prescribing the classes or qualifications of persons to whom and the conditions on which the local executive officer may under section 3 delegate his powers;

(*b*) determining the limits within which the local executive officer may exercise his powers whether such limits are within or without the local area in respect of which he holds any public office;

(*c*) prescribing in the interests of the public health the state in which utensils and vessels used for manufacturing, preparing, or containing any food intended for sale shall be kept, and prohibiting the use of utensils and vessels made, in whole or in part, of materials likely to injure such food;

(*d*) prescribing the manner in which notice of any addition, admixture or deficiency shall be given to the purchaser of any article of food;

(*e*) prescribing standards of purity for milk, cream, butter, ghee and cheese, and determining what deficiency in any of the normal constituents of these articles or what addition of any extraneous matter or proportion of water in any of the same or any preparation of the same shall for the purposes of this Regulation raise a presumption until the contrary is proved that the milk, cream, butter, ghee or cheese is not genuine, or is injurious to health

And providing for fines not exceeding rupees one hundred in the case of a first offence and rupees five hundred for every subsequent offence by way of penalty for breach of rules made under clauses (*c*) and (*d*).

21. Every local authority exercising control over any local area to which this Regulation has been extended may, under the provisions respecting the making of bye-laws of the Regulation under which such local authority is established, make bye-laws not inconsistent with this Regulation or rules made under the last preceding section for all the purposes of this Regulation and in particular, without prejudice to the generality of the power hereby given, for the prevention of the manu-

facture or preparation for sale, the exposure for sale, or hawking about, or the sale of articles of food, which are adulterated or other than what they purport or are represented to be and the inspection and the regulation of places in which such articles are kept, stored, packed, cleansed, manufactured, prepared or exposed for sale, hawked about or sold.

22. The provisions of sections 2 to 21 of this Regulation shall be read as supplemental to the Regulation under which the local authority concerned is constituted.